

Activities of the Department of Justice Regarding Race in the Clinton Administration

The Civil Rights Division is the primary agency in the Department of Justice and the federal government charged with enforcing federal civil rights laws. These laws prohibit discrimination on the basis of race, color, sex, religion, national origin and disability, among others. These protections extend to a wide range of activities, including voting, education, employment, housing, the use of public accommodations, and access to reproductive health services.

Since the Clinton Administration took office, the Division has made substantial accomplishments in each of the areas of civil rights enforcement. Major accomplishments include:

► **Criminal Prosecution:** The Division remains strongly committed to the vigorous prosecution of criminal violations of the civil rights laws.

◄ In Fiscal Year 1996, the Division received 11,721 complaints, reviewed 10,129 complaints and investigated 2,619. 70 new matters were taken to the Grand Jury, and the Division has had a prosecutorial success rate of 87%. Already in 1997, the Division has received 6,000 complaints alleging criminal interference with civil rights.

◄ The Division filed 42 cases involving racial violence charging 66 defendants, the highest number of cases and the second highest number of defendants ever charged in one year.

◄ The Criminal Section maintained an overall 89% success rate.

◄ The Criminal Section is an integral part of the National Church Arson Task Force (NCATF), which is led by the Assistant Attorney General for Civil Rights, together with the Treasury Assistant Secretary for Enforcement. This Task Force, established to investigate a rash of suspicious fires in houses of worship, also includes representatives from the FBI, the Bureau of Alcohol, Tobacco and Firearms, the United States Attorneys, the Community Relations Service, the Criminal Division, and the U.S. Marshals in the Task Force has deployed over 200 ATF and FBI investigators around the country to investigate these fires. The Task Force is also coordinating closely with state and local law enforcement officials in our prosecution efforts, and in our attempts to prevent fires before they happen.

◄ As of July 2, 1997, the NCATF is investigating approximately 449 fires that have occurred at houses of worship since January, 1995.

◄ Progress toward resolving these cases is being made. Many of the incidents investigated have been solved, mainly by a combination of federal and local arrests and prosecutions. Since 1996, arrests of 214 suspects have been made in connection with over 158 fires at churches and other houses of worship.

◀ The Division has placed a special emphasis on hate crimes where serious injury or death results. For example:

◀ In Riverside County, California, Division attorneys are presenting to a federal grand jury allegations of excessive use of force by deputy sheriffs during the televised apprehension of two undocumented aliens

◀ Department Attorneys and the USAO in St. Petersburg, Florida are reviewing evidence regarding the October 24, 1996, shooting of an African American teenager by a Florida police officer, resulting in several nights of civil disturbance. A state grand jury failed to return charges against the officer.

◀ On February 10, 1997, a jury in Brooklyn, N.Y. convicted both defendants on criminal civil rights charges for the stabbing death of Yankel Rosenbaum during a civil disturbance in the Crown Heights Section of Brooklyn.

◀ Department attorneys are presently reviewing FBI investigations into allegations that two female cadets at the Citadel in South Carolina were assaulted by other cadets during the fall, 1996 semester.

◀ In Richland, Mississippi, four members of a neo-Nazi skinhead organization, pled guilty to conspiracy and interfering with the housing rights of an interracial couple by throwing a molotov cocktail at their trailer home.

◀ Three defendants, one of whom is a racist skinhead and a member of the white supremacist group "South Bay Nazi Youth," were convicted of a civil rights conspiracy after they drove through the streets of Lubbock, Texas, hunting African-American men, luring them to the conspirators' car and shooting the men at close range with a short-barrelled shotgun. One victim died, one was seriously wounded in the face and another had a finger blown off.

◀ In Livingston, Texas, six defendants pled guilty to civil rights charges for beating randomly selected African-American men with a rifle and a rodeo belt buckle, and punching them repeatedly as they tried to escape. The defendants had been angered at seeing other black men at a night club in the presence of white women. The adult defendants were given prison sentences ranging from 20 to 43 months.

◀ Five skinheads were sentenced to terms of imprisonment ranging from 16 to 49 months for conspiracy after beating an African-American man while he and his wife, who is white, were in a public park in Iowa.

- ◀ Two defendants were sentenced to 81 months in prison after being convicted of conspiracy and housing interference in connection with a drive-by shooting into the homes of two African-American women in Alma, Georgia.

- ◀ In Livermore Falls, Maine, two defendants were sentenced to 70 and 88 months following their guilty pleas to civil rights charges after threatening four Latino victims, chasing them by car away from the store, and firing shots at the victims' fleeing car, wounding one victim in the arm.

- ▶ **Police Misconduct Initiative:** The Division has developed a comprehensive initiative to address police misconduct.

- ◀ In 1995, at the Attorney General's direction, the Civil Rights Division launched an initiative on police misconduct. The initiative's goal is to establish and implement a comprehensive approach to combat and prevent law enforcement misconduct, through deterrence, effective training, and prevention. To achieve this goal, we have undertaken efforts to improve coordination between our criminal and civil enforcement efforts, and between the different modes of civil enforcement.

- ◀ In February, 1997, we filed suit against the City of Pittsburgh and its police department, and contemporaneously filed a consent decree. The decree provided for the training and supervision of police officers.

- ◀ The Division has filed two suits using the provision of the 1994 Crime Control and Prevention Act. One involves the conduct of law enforcement officers in Iberia Parish, Louisiana. The other involves juvenile justice facilities in Kentucky. We successfully entered a consent decree in the Kentucky suit.

- ◀ The Division is also working to prevent police misconduct by encouraging law enforcement agencies to develop and implement management practices that optimize integrity within the force.

- ▶ **Voting Rights:** One of the Division's most important missions is to ensure that all Americans enjoy a full and effective right to vote, free from unlawful discrimination.

- ◀ The Division is fully and vigorously enforcing the National Voter Registration Act (NVRA) -- the so-called "Motor Voter" law. The Division's litigation has successfully defended Congress's constitutional authority to enact the NVRA and has brought states that originally resisted the law -- California, Illinois, Michigan, Mississippi, Pennsylvania,

South Carolina, and Virginia -- into compliance. The Division is monitoring other states for full compliance, and has recently challenged New York's NVRA procedures.

- ◀ The Division has reviewed more than 12,500 submissions under Section 5 of the Voting Rights Act and objected approximately 150 times on the grounds that proposed changes have violated the Act. In 1996, the Attorney General reviewed approximately 4,600 submissions involving 18,000 separate voting changes. In that year, the Division filed 18 new cases.

- ◀ The Division is committed to its efforts to achieve equal voting opportunities for all Americans, including minorities who live in states that have a history of voting discrimination. We have defended racially fair redistricting plans against claims that they are unconstitutional "racial gerrymanders," and we will continue to do so consistent with the Supreme Court's legal standards.

- ◀ On March 14, 1997, a federal court in Georgia approved remedial redistricting plans for the Georgia house and senate that we negotiated that preserve minority voting rights under the Supreme Court's standards.

- ◀ On April 24, 1997, a federal court in Louisiana upheld the constitutionality of a majority-black parish council district drawn to remedy a violation of the VRA.

- ◀ The Division's vigorous enforcement of the minority language provisions of the Voting Rights Act and Section 5 of the Act resulted in new and expanded protections of Native Americans' right to be provided election information and assistance in their own languages in counties in New Mexico and protections of Chinese Americans' right to be provided Chinese language election materials and assistance in Alameda County, California, and New York City. We have established a Minority Language Task Force to enhance our enforcement of these important protections.

- ◀ Pursuant to our authority under the Voting Rights Act, the Division has monitored numerous elections around the country in order to ensure that minority citizens are able to cast their ballots, have those ballots counted and are able to receive assistance -- including effective assistance in Native American languages, Chinese, and Spanish -- from the person of their choice while casting their ballots.

► **Housing and Public Accommodations Discrimination:** The Division has made attacking housing and lending discrimination a high priority.

◄ Over the past five years, the Department has filed 38 pattern and practice testing cases with evidence generated by the fair housing testing program. All of these cases involve rental situations and often involve agents misrepresenting the availability of rental units based on race or national origin.

◄ The Division conducted 207 housing discrimination investigations in 1996 alone, and resolved 92 cases by either consent decrees or trials.

◄ The Division has filed twelve lending discrimination suits, all of which have settled by Consent Decree. These suits have been widely publicized within the banking industry and have had a positive impact on industry practices. Among them, in August 1994, the Justice Department settled a lawsuit against Chevy Chase Bank for allegedly refusing to issue loans in predominantly African American neighborhoods because of the racial identity of those neighborhoods. The results of this case have been quite positive, with the bank making significantly more loans in African American neighborhoods -- by the end of 1994 they recorded a 536 percent increase in the District of Columbia and a 266 percent increase in Prince George's County, Maryland.

◄ The Division resolved a major lending discrimination suit against the Northern Trust bank in Chicago, Ill., resulting in monetary relief of \$700,000 for victims of the discrimination.

◄ In September, 1996 the Division reached a settlement with the Long Beach Mortgage Company, which agreed to pay \$3 million to African-American, Hispanic, female and elderly borrowers alleged by the Division to be victims of the company's unlawful pricing practices. The Division charged that the price of home mortgage loans at Long Beach were unlawfully influenced by the race, national origin, sex and age of the borrowers. The company also agreed to spend another \$1 million educating consumers on how to shop for the most advantageous loans.

◄ The Division is committed to ending discrimination in Insurance practices. We have settled with four of the largest insurance companies in the nation, which together write almost 50% of the nation's homeowners insurance policies.

- ◀ In March, 1997, we settled our lawsuit against Nationwide Insurance Companies. We had compiled evidence that of intentional discrimination in industry practices. The settlement, the most comprehensive in such a case, required the expending of over \$13 million in funding in ten cities for community investment.
- ◀ We recently settled a major case charging that American Family Insurance Company, the largest provider of homeowners' insurance in Wisconsin, violated the Fair Housing Act, where the company had failed to offer homeowners' insurance in the predominantly African American community in Milwaukee to the same extent and on the same terms that it offered such insurance in the majority white areas of the city and its surrounding suburbs. The consent decree provides for injunctive relief, \$5 million in monetary damages to individual victims of discrimination, and over \$9 million in low-interest loans for the formerly excluded communities.
- ◀ Large awards were also obtained in fair housing cases. For example, in a case alleging race discrimination at a large apartment complex in south Florida, a consent decree awarding \$1.2 million was approved by the court. In a race case resulting from the Program's fair housing testing program in the Detroit area, a settlement totaling \$425,000 was approved by the court. In the 1996 fiscal year, over \$15 million in monetary relief was obtained.
- ◀ The Division recently obtained a record \$475,000.00 settlement from its Fair Housing Testing Program against a Detroit area apartment complex that refused to rent to African-Americans and families with children.
- ◀ The Division resolved a major public accommodations suit against the Denny's restaurant chain. In addition to substantial monetary relief for individual victims of discrimination, the settlement included significant provisions to prevent future discrimination. The Department is presently looking for ways to strengthen and broaden its ability to combat discrimination in public accommodations.
- ▶ **Employment Discrimination:** The Civil Rights Division is responsible for enforcing Title VII of the Civil Rights Act of 1964 against state and local governments.
 - ◀ During the Clinton Administration, the Division has filed nearly sixty new lawsuits charging both individual discrimination and patterns and practices of employment discrimination. Since 1996, the Division has filed 19 new cases and has settled 22 new or pending cases.

- ◄ The Division continues to bring suits challenging both cognitive and physical strength and agility tests used by public agencies that have a disparate impact on minorities and women but that do not predict success on the job, including successful lawsuits in New Nassau County and Louisiana State Police examinations.
 - ◄ Presently, the Department is in discovery in suits against tests used by the New York City Board of Education for custodial workers and the South Eastern Pennsylvania Transportation Agency.
- ◄ The Division has also obtained orders providing injunctive and make-whole relief for over 2,000 victims of discrimination. This is a new record.
- ◄ The Division is also currently administering the distribution of over \$10 million in damages to victims of employment discrimination.
 - ◄ The Division has obtained \$7.2 million in back pay and benefits to an estimated 1,000 female victims of a gender-restricted hiring and assignment policy of the Arkansas Department of Corrections.
- ◄ The Division has been deeply involved in the President's review of affirmative action and in the preparation of a proposal to reform affirmative action in government procurement. Several federal statutes have now been challenged. The Department is committed to the vigorous and effective defense of federal affirmative action programs.
- **Citizenship and National Origin Discrimination:** In April 1994, the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) merged with the Civil Rights Division. OSC's mission is to eliminate workplace discrimination based on a worker's citizenship status, national origin, or the employment eligibility verification process.
 - ◄ The Division has investigated 1,691 discrimination charges and initiated 125 independent investigations. During this period, the Division filed 44 complaints and negotiated 158 formal settlements of charges and 26 settlements of independent investigations.
 - ◄ In October 1996, the Division negotiated a settlement agreement with Wal-Mart Stores, Inc. of a complaint which alleged that one of its locations had engaged in a pattern or practice of requiring aliens to produce burdensome and unfair documentation.
 - ◄ In May, 1997, the Division filed a complaint against Schmitz Corporation d/b/a/ Little Oak German Restaurant for its refusal to hire a U.S. citizen of Filipino descent because he

could not produce an INS-issued document. The restaurant believed the complaining party to be an alien because of his "foreign" appearance.

- ◄ The Division has stepped up its efforts to deter employment discrimination by assessing civil penalties in each meritorious case.

- ◄ The Division obtained an important ruling in U.S. v. Guardsmark, which held that all work-authorized individuals are protected under the "document abuse" provisions of the Immigration Act of 1990 (IA'90). In settling this case, the Division successfully negotiated the largest civil penalty ever assessed under the antidiscriminatory workplace provisions of the statute.

- ◄ As part of its public outreach program, the Division obtained an automated employer hotline (1-800-255-8155, TDD 1-800-362-2735) aimed at combating employer confusion under the Immigration and Nationality Act (INA). The hotline, along with its innovative automatic "fax-back" feature, has been extremely successful and provided up-to-date information to over 7564 callers between July, 1994 and December, 1995.

► **Educational Opportunities:** The Division continues to be committed to eliminating the vestiges of segregation in elementary and secondary education as well as in state institutions of higher education.

- ◄ In the past year, the Division intervened in two private suits, Sinajini v. San Juan County Sch. Dist. and Meyers v. San Juan County Sch. Dist., to challenge allegations that Native American students in Utah were being denied equal educational opportunities because of their race and limited-English speaking proficiency.

- ◄ The Division continued its challenges to the formerly separate higher education systems in Mississippi and Alabama. In Alabama, we obtained relief which included for the first time the establishment of endowments for the state's historically Black schools.

- ◄ The Division continues to further the progress of school desegregation in cases involving over 500 school districts located in the formerly de jure states.

- ◄ In response to recent court and legislative actions threatening the voluntary use of race by school districts with K-12 grades, the Department is working with the Department of Education to establish policies and guidelines regarding permissible programs to permit the educational value of preparing students to live in a pluralistic society and is prepared to support narrowly tailored desegregative measures to further that goal.

◀ In anticipation of future litigation involving challenges to affirmative action programs in colleges and universities spawned by the 5th Circuit's ruling in Hopwood, the Department has established a post-Hopwood working group which has been involved in litigation in Texas, and is presently considering involvement in higher education cases.

► **Coordination and Cooperation with other Federal Agencies:** The Division coordinates the enforcement by Federal agencies of various statutes that prohibit illegal discriminations in programs that receive Federal financial assistance.

◀ The Division, in conjunction with the Environment and Natural Resources Division, is discussing and consulting with the EPA on its proposed policy for enforcement of environmental justice and the impact of environmental actions on minority and low income communities as they apply to environmental permitting programs. We are coordinating with the EPA as it develops its policy. The Division is presently examining two private environmental impact cases to determine if the participation of the Department is warranted.

◀ As part of the Administration's efforts to reinvigorate the effective, consistent, and timely enforcement of grant-related civil rights statutes, as required by Executive Order 12250, the Division held individual meetings with over 26 Federal grant-giving agencies. The purposes of these meetings were to identify questions and problems, determine training needs, and share worthwhile practices and procedures utilized by various agencies. As an outgrowth of the meetings, the Division has conducted training sessions for 14 Federal agencies and the State of Tennessee, which has a State law equivalent of Title VI. In addition, an agency advisory group was established to identify current issues and build a consensus for proposed solutions. The group, which is made up of 12 Federal agencies, will meet with the Division every month. This year, the Division completed a comprehensive Title VI legal manual and an investigations procedures manual which includes a "how-to" program compliance section with case studies and investigatory pointers.

◀ The Division developed a strategy for publicizing its responsibilities as a result of entering into a memorandum of understanding (MOU) with the Office of Justice Programs (OJP). The MOU gave the Division responsibility for investigating complaints of services discrimination on the basis of race, color, sex, national origin, and religion filed against law enforcement agencies receiving assistance from the Justice Department. Pursuant to this strategy, the Division developed and had approved for distribution a complaint form and a brochure advising individuals of their rights under grant-related civil rights laws. These materials will be distributed at a grass roots level by various civil rights organizations. In addition, the Division developed a "Question and Answer" brochure advising law enforcement agencies of their responsibilities under grant-related civil rights

laws. Distribution is expected to begin soon. Finally, the Division met with numerous law enforcement interest groups advising them of its mission and seeking their advice as to how best to publicize it.

- ◀ The Division took several steps to increase public awareness of its mission and activities. After an over 10 year hiatus, the Division revived the Civil Rights Forum. This quarterly publication advises Federal agencies, interest groups, and interested individuals about policy developments concerning enforcement of grant-related and other civil rights laws, recent court decisions, and other items of interest. In addition, the Division continued to staff an educational center at various conventions and meetings, answering questions and providing educational material about its activities.

- ◀ As part of its outreach, the Division distributed the 60-second radio public service announcements it had produced, both in English and Spanish, that described the programs and activities covered by Title VI and explained how and where to file complaints of discrimination.

► **Redress for Japanese-American Internees:**

- ◀ The Division issues monetary redress to American citizens and permanent aliens of Japanese ancestry who were forcibly evacuated, relocated, and interned by the United States Government during World War II. As of the end of FY 1995, the Division authorized redress payments totalling over \$1.5 billion in nearly 80,000 cases. Current funding levels provide for payment to 82,250 individuals.

► **Increased Fine and Debt Collection:**

- ◀ The Civil Rights Division collected or had funds disbursed to aggrieved parties for judgments awarding restitution, penalties and fines totaling \$25,132,408 in fiscal year 1995. This banner year represents a 50% increase over FY 1994 awards of \$12.5 million, and a 407% increase over the previous five year average.

► **Appellate:**

- ◀ In fiscal year 1996, the Department filed 124 briefs and other substantive papers involving civil rights matters in the courts of appeals and the Supreme Court. This year, the Division has already filed 72 briefs of substance regarding such matters as hate crimes, the Fair Housing Act, National Voter Registration Act, and environmental justice. In 1996,

the Division had an 81% success rate in the Courts of Appeals on merits cases.

◀ The Division filed briefs as amicus in challenging California voters approved Proposition 209, which amended the state constitution to prohibit state affirmative action based on race or gender. In our briefs, we argued that Proposition 209 is unconstitutional because it places unique and extraordinary burdens on the ability on minorities and women to obtain such legislation through the ordinary political process. The Ninth Circuit Court of Appeals rejected this argument, and we are presently seeking a rehearing en banc.

▶ **Other Department of Justice Programs and Initiatives**

◀ A component of the Office of Justice Programs, the **Bureau of Justice Statistics** maintains a wide variety of annual and intermittent data collection programs providing national estimates of the scope, magnitude, and consequences of criminal victimization and the operations of Federal, State and local criminal justice agencies. Most ongoing collection programs obtain race and ethnicity data on some element of crime including victims, defendants, offenders and employees of the justice system.

◀ **Community Oriented Policing Services (COPS)** trains and educates police to work with members of all communities and promotes diverse community police forces in urban areas. COPS has documented a reduction of crime in high minority communities that have community policing services.

◀ **Community Relations Service (CRS)** works with members of all communities to address citizen concerns and resolve conflicts that may arise regarding racial issues, police forces and community interactions.

July 3, 1997

THE RACIAL RECONCILIATION INITIATIVE AND THE DEPARTMENT OF JUSTICE

On June 14, 1997, President Clinton announced a Racial Reconciliation Initiative, the commencement of a year-long conversation about race. The Initiative seeks to address the nation's need for racial healing and reconciliation as we, a diverse and multiethnic nation, enter the next century.

As part of this Initiative, the Department of Justice (DOJ) submits this Memorandum as a launching point for a discussion about race. DOJ is steadfastly committed to ensuring equal opportunity for all, to aiding in the elimination of discrimination and fostering a community where America's greatest asset — its diversity — is embraced.

This Memorandum is divided into two parts. First, we identify existing Department programs, practices and policies which promote opportunity and dialogue within the Department. This broad array of programs, ranging from DOJ's extensive attorney recruitment efforts to diversity training for immigration officers, exhibit DOJ's commitment to ensuring that the Department's workplace both reflects, and appreciates, the diversity in this country.

Second, this Memorandum addresses the variety of DOJ efforts that promote racial harmony and diversity more broadly throughout society. While DOJ is the primary governmental enforcer of federal civil rights legislation, DOJ's contribution to the racial reconciliation effort goes well beyond the courtroom. In our schools, on our streets, in our communities, a number of components within DOJ -- jointly and individually -- utilize outreach, educational tools and coordination with local leaders and organizations to bridge the gap of our racial divisions.

If DOJ's litigation is evidence of the severity of discrimination that still pervades our society, then the variety of DOJ community programs will aid the Initiative towards solutions to our racial divide. First, these programs are evidence of the way that diverse communities can be brought together to achieve mutually desirable goals, including a reduction of crime, environmental cleanup, and aid to victims of church burnings. Second, these initiatives also show how government can help foster this discussion and bring divergent interests together. Third, a number of these programs have data, statistics, and established communications with local communities that will be useful to the Initiative. Finally, these successful programs may serve as models and engender ideas and programs for the Commission as it begins the task before it.

TABLE OF CONTENTS

	<u>Page</u>
Part I	
INTERNAL INITIATIVES AND PROGRAMS	1
I. Recruitment and Hiring Efforts:	
Ensuring a qualified and diverse workforce	2
II. Equal Employment Opportunity Offices:	
Ensuring a non-discriminatory workplace	4
III. Development and Promotion:	
Outreach for all employees	6
IV. Fostering a Dialogue about Race:	
Continuing Education at DOJ	8
Part II	
DOJ'S EFFORTS TOWARDS RACIAL RECONCILIATION	11
<u>ANTI-DISCRIMINATION LITIGATION</u>	12
I. The Civil Rights Division	12
II. The Environment and Natural Resources Division	18
<u>COMMUNITY OUTREACH & INITIATIVES</u>	
<u>TOWARDS RACIAL HEALING</u>	21
I. Joint DOJ Initiatives	21
II. Individual Component Efforts	30

INTERNAL INITIATIVES AND PROGRAMS

Following is a comprehensive description of the variety of DOJ activities which, as an integral component of operation goals, address race relations and racial dialogue. The programs can be divided into four groups. First, the section on **recruitment and hiring efforts** describes ways in which DOJ, and individual components, seek to attract and hire a diverse and qualified workforce. Second, offices of **equal employment opportunities** provide mechanisms by which DOJ seeks to ensure a non-discriminatory work environment. Third, **executive development and promotion** shows how DOJ provides for the continuing development and promotion of all its employees. Finally, **fostering a dialogue about race** describes the many activities throughout DOJ that provide for open and frank discussion about racial understanding and reconciliation, a DOJ "continuing education" about race. These descriptions highlight DOJ's consistent and varying attempts to address, within its own workforce, the need to acknowledge and embrace the great variety of backgrounds of our personnel and the public with whom we work.

I. Recruitment and Hiring Efforts: Ensuring a Qualified and Diverse Workforce

- A. The Justice Management Division (JMD), provides assistance to management officials in almost every component relating to basic Department policy on personnel management, training and equal opportunity programs. JMD actively targets and promotes the hiring and advancement of minorities, as well as women and people with disabilities. In its recruitment efforts, the Department targets Historically Black Colleges and Universities, Hispanic Colleges and Universities, and participates in public and private job fairs. Advertisements for job openings are included in publications of:
- ◄ Asian Pacific American Bar Association of Greater DC
 - ◄ Hispanic National Bar Association
 - ◄ National Asian Pacific American Bar Association
 - ◄ National Association of Black Women attorneys
 - ◄ National Black Prosecutors Association
 - ◄ National Congress of American Indians
 - ◄ Native American Bar Association Bulletin Board
 - ◄ Native American Bar Association Job Hotline
- B. As the nation's litigator, the Department maintains an Attorney General's Honor Program and Summer Law Intern Program for the appointment of law clerks, summer law interns, and attorneys. Recruitment efforts target law student associations for African American, Asian Pacific, Hispanic, Native American, and disabled attorneys.
- C. Through the Equal Employment Opportunity (EEO) office of the Justice Management Division (JMD), the Department develops and implements affirmative action plans directed at promoting and enhancing the employment of minorities, women, persons with disabilities and disabled veterans. These plans are updated annually and provide a systematic framework for the Department to implement actions items targeted at eliminating underrepresentation of African Americans, Hispanics, Asian/Pacific Americans, American Indians, women, veterans, and persons with disabilities.
- D. The Department, and almost every Division and component, sponsors job information booths at numerous annual conferences which have proven to be a viable recruitment vehicle. The booths are staffed by DOJ representatives who are able to answer questions and disseminate information about employment opportunities and instructions on how to apply for them. The Department invites the components to join in this collaborative venture. Following is a list of many,

but hardly most, of the conferences that we have attended or plan to attend this year:

- ◀ The National Conference on Blacks in Higher Education, sponsored by the National Association of Equal Opportunity in Higher Education (NAFEO) .
- ◀ The Federal Bar Association's (FBA) Indian Law Conference.
- ◀ The Congressional Seminar and National Leadership Training Conference sponsored by the Federal Asian Pacific American Council (FAPAC).
- ◀ The League of United Latin American Citizens (LULAC) Annual Convention.
- ◀ The National Association for the Advancement of Colored People (NAACP)'s Annual Conference.
- ◀ Organization of Chinese American (OCA) National Convention.
- ◀ The National Organization of Black Law Enforcement Executives (NOBLE) Annual Conference.
- ◀ The National Council of La Raza Annual Convention.
- ◀ The Hispanic Bar Association Annual Convention and Job Fair.
- ◀ The National Congress of American Indians Annual Conference.

- E. In November 1994, the FBI implemented the Special Agent Recruiters (SAR) Program. The SAR Program was created to: 1) intensify and enhance our national recruitment efforts to attract highly qualified minorities and women for the Special Agent (SA) position, and 2) to enhance our ability to attract Special Agent (SA) candidates with critical skills needed by the FBI. Field SAR's are located in geographical areas with high minority populations; areas where there are universities and colleges with a high minority student enrollment, i.e., historically Black colleges, Native-American colleges; and/or areas with a high concentration of military installations/bases where the FBI has had success in the past locating diverse competitive candidates for the SA position.
- F. Established in 1989, the FBI's Honors Internship Program (HIP) was created to expose exceptional undergraduate and graduate students to career opportunities within the FBI. The FBI aggressively recruits minorities and women to participate in this program through advertising and visits to ethnically diverse colleges and universities throughout the United States.
- G. In FY 1996, the FBI implemented the Critical Skills Scholarship Program (CSSP) designed to assist economically disadvantaged high school seniors, possessing outstanding academic credentials, with college tuition. The CSSP provides financial assistance to qualified students who agree to undertake and complete a four-year course of study deemed operationally critical to the needs of the FBI

(e.g., Biology, Chemistry, Computer Science, Economics, Electronic Communications, Mathematics, Metallurgy, Physics, Far and Middle Eastern Studies, Foreign Languages, and International Relations).

- H. The United States Marshals Service (USMS) has adopted a Centralized Student Career Experience Program (CSCEP) as a minority recruitment tool. The CSCEP is a work/study program for college students pursuing degrees in criminal justice. CSCEP which targets schools with significant minority populations.
- I. At the Immigration and Naturalization Service (INS), in order to increase diversity at the Officer Corps positions, a National Clearinghouse was established. This office recruits applicants on a continuous basis and allows for focused targeted recruitment.

II. Equal Employment Opportunity Office: Ensuring a Non-Discriminatory Workplace

- A. The Justice Management Division (JMD) coordinates several Department programs which pertain to race relations and anti-discrimination, including written policies applying governing laws and regulations. These programs include merit promotion, performance management, part-time career employment, upward mobility and training, use of student volunteers, processing of employee grievances, and disciplinary and adverse actions:

- ◀ Upward Mobility and Training: Components of the Department are required to maintain upward mobility and training programs to increase the opportunities for lower level employees to attain their full employment potential, and to provide the Department an additional means to achieve greater utilization of its employees. Selections under both programs are made without regard to political preference, race, color, religion, national origin, gender, sexual orientation, marital status, age, or disabling condition.

- ◀ Student Volunteer Service: The Department accepts student volunteer service in its effort to provide meaningful work experience, consistent with the mission and needs of the Department. Selections of students under this program are made without discrimination because of race, age, sex, color, religion, national origin, political affiliation, physical handicap, or marital status.

- ◀ Employee Grievances: The Department has an established program for the purpose of considering and resolving employee grievances. The purpose of this program is to promote good employee-management relationships, to ensure that employees receive timely and constructive

responses to grievances, and that employees are treated fairly. Department employees who feel that they have not been treated fairly are given the right to present grievances to appropriate management officials for prompt and equitable consideration, without fear of restraint, reprisal, coercion, interference, or discrimination.

◀ The Department has instituted an alternative dispute resolution program in conjunction with the equal employment opportunity counseling process. Through the use of this program, Department employees are able to enter into mediation to resolve disputes and problems dealing with discrimination-related issues.

B. The Office of Equal Employment Opportunity Affairs (OEEOA) at the FBI is comprised of two units: The Complaint Processing Unit (CPU) and the Special Programs Unit (SPU). The CPU responds to specific EEO complaints and grievances filed by FBI employees, former employees and applicants. The SPU seeks to identify potential problem areas and resolve them before they become significant problems. The primary areas of focus are: a) training; b) monitoring of employment practices; and c) special emphasis programs.

◀ The OEEOA develops policy and administers the EEO Complaint Processing System in compliance with established federal regulations and implements an effective Affirmative Employment Program Plan through the consistent review of all personnel policies and practices which effect FBI employees.

◀ The SPU has Special Emphasis Program Manager positions which were established to assist agencies in assuring that equal opportunity is present in all aspects of employment and that affirmative action is being taken to address underrepresentation. Three Special Emphasis Programs (Hispanic, Federal Women's and Persons with Disabilities) are required by law, regulation or Executive Order and focus on techniques to evaluate management policies, practices and procedures to identify employment barriers to the target group and activities in the work environment which may be discriminatory. Thereafter, the need arose for the FBI to create three additional Special Emphasis Programs (Black Affairs, American Indian/Alaskan Native, and Asian/Pacific Islander). Each of the Special Emphasis Program areas have two overall program goals. They are: 1) to eliminate discriminatory practices, and 2) to assure the target group is appropriately represented throughout the work force.

◀ Training is one of the most important areas for which the SPU bears responsibility. The ultimate goal within the FBI is to provide EEO-related training to include dealing with cultural diversity and awareness of the EEO process to every FBI employee. With that goal in mind, a full-time EEO Training Officer position was established.

- C. The United States Marshals Service (USMS) has adopted an employee development program, which uses extensive and comprehensive training opportunities for women and minorities to target and enhance career advancement.

III. Development and Promotion: Outreach for All Employees

- A. The Attorney General (AG) has directed that supervisors and managers in the Department be held accountable for equal employment opportunity (EEO) through the performance appraisal process. As a result, an evaluation of EEO is required in all performance work plans for supervisors and managers. This directive was reinforced in a policy statement from the AG to heads of Department components, dated August 16, 1994, requiring that supervisors and managers be held accountable for EEO implementation through the performance appraisal process.

◀ The Department also has a number of awards programs which recognize managers and supervisors for excellence in promoting diversity and equal employment opportunity for their employees. Such programs have been found to support the equitable treatment of employees and promote a productive working environment. Specifically, the Attorney General presents an EEO award annually.

- B. The Federal Bureau of Investigation (FBI) actively encourages women and minorities to participate in the Executive Development and Selection Program (EDSP). The EDSP is the FBI's career development program and it encompasses line supervisory positions up to and including senior management or Senior Executive Service (SES) level positions. All FBI managers are encouraged to promote participation by women and minorities in the EDSP.

◀ In January, 1995, the Director approved implementation of the Special Agent Mid-Level Management Selection System (SAMMSS) Selection System. SAMMSS is a job-related, validated selection system which allows for comparison between candidates, based upon common job-related knowledge, skills, and abilities. This SAMMSS was developed so as to minimize any possible adverse impact in the selection process.

- ◀ The Director has now also approved the development of an SES Selection System (SESS). This professionally developed selection system is intended for use in the selection of candidates for all FBI entry level SES positions. Once validated and approved for implementation, the SESS will be a standardized selection system. It is designed to ensure that all SES candidates are treated in a fair and equitable manner.
 - ◀ Currently, all candidates for mid-level as well as senior executive vacancies have the opportunity to receive reviewer feedback in order to understand their developmental needs. This is done so that candidates can increase their skill level and enhance their competitiveness for promotion.
- C. The Department supports minority employee organizations by providing them access to top management and assisting them in their efforts to promote a diverse and fair workplace. These groups include: the DOJ Hispanic Association for Advancement and Development, Pan-Asia Federal Employees Association, the DOJ Association of Black Attorneys, and DOJ Native-American lawyers.
- D. The Bureau of Prisons (BOP) has developed a formal Staff Mentoring Program. The program was established to afford minority staff in particular, and all staff in general, with equal career and developmental opportunities. The program pairs employees who have completed at least one year of service with the agency with more experienced staff.
- ◀ Specific program objectives include enhanced opportunities for personal growth, professional development, career enhancement, and equal opportunity through a formal mentoring program.
- E. The Environment and Natural Resources Division (ENRD) sends participants to the convention and training offered by Blacks in Government.

IV. Fostering a Dialogue about Race: Continuing Education at DOJ

A. The Department promotes greater understanding and dialogue through a variety of activities and programs available to DOJ employees.

◀ Commemorative programs are conducted to celebrate the contributions of minorities, women, persons with disabilities and other diverse groups and to promote a harmonious work environment. For example, in May 1997, the Community Relations Service, the Civil Rights Division, and DOJ's Pan Asia Employees Association co-sponsored a program on "Racial Intolerance and the Asian Pacific Community" in DOJ's Great Hall. Also in May, 1997, the Department held a program for the Days of Remembrance for the Victims of the Holocaust.

◀ In recognition of all cultures at the FBI, the FBI held its First Annual Unity Festival on July 11, 1997. The Unity Festival represented both a cultural celebration and a major departure from past approaches taken by the FBI. Past activities have focused primarily on six Special Emphasis Programs (American Indian/Alaskan Native, Asian/Pacific Islander, Black Affairs, Hispanic, and Persons with Disabilities and women) which are held annually in the FBI Headquarters. The Unity Festival provided an opportunity to celebrate the unique contributions made by other heritages and cultures not regularly celebrated throughout the year (i.e., Italian, German, Irish).

◀ The Chicago FBI Office has hosted a lecture series for employees of the office to promote cultural diversity. Speakers representing various races or with particular expertise regarding issues of diversity have been invited to address managers, investigators, and support employees for the purpose of developing knowledge and understanding to help the FBI do its job better.

B. The Department supports diversity training for all its employees.

◀ The Department's EEO Staff conducts or sponsors diversity and EEO training for managers, supervisors and employees. These training sessions are designed to promote a greater understanding of EEO laws, regulations and practices which promote fair and equitable treatment of all employees. In addition to the extensive training conducted by the Department's EEO Staff, an EEO newsletter is published quarterly which provides information on diversity and EEO issues.

◀ The Drug Enforcement Agency (DEA) includes a three-hour session in its in-service training for new supervisors entitled "Managing Human Diversity." The purpose of the training is to assist DEA's new supervisors in further examining their assumptions regarding human/cultural diversity issues and to help them to become more competent in cross-cultural management. To that extent, training goals on the individual level include: (1) increasing awareness of the participant's own perceptions and diversity experience; (2) sharpening specific professional skills in the area of diversity; and (3) enhancing the level of information and competence necessary to work effectively in a diverse environment. This training presents for discussion and introspection various systemic issues that have been proven to impede workplace productivity and communication between individuals of different cultural/gender/ability groups with an aim toward developing proactive strategies for promoting workplace harmony and cooperation.

◀ DEA currently has over 100 collateral duty Special Emphasis Program Coordinators (SEPC) for minorities, women and persons with disabilities in DEA field divisions and laboratories.

◀ Because the Bureau of Justice Administration (BJA) has more than doubled in size since the passage of the Crime Act, and because many of its new employees are more diverse, BJA has conducted a series of training seminars entitled "Managing Diversity in the Workplace."

◀ The Bureau of Prisons (BOP) conducts a Managing Diversity Program (MDP), as an office in the Human Resource Management Division of the agency. The MDP focuses on conducting staff training and the development of diversity resources to foster a more open, inclusive, and equitable organization. Staff are taught that managing diversity is a sound correctional practice. New staff also receive a two-hour class on inmate cultures which focuses on understanding cultural and religious differences in the inmate population

C. In January 1995, the Office of Tribal Justice (OTJ) was established within the Department of Justice to serve as the point of contact for federally recognized Indian tribes and to coordinate the Department's Indian policy.

◀ OTJ tries to encourage dialogue regarding Indian people and tribes within the Department. Such a dialogue may take the form of informal lunches or formal events such as American Indian Heritage Day. This year, President John Steele of the Oglala Sioux Tribe addressed the audience. OTJ provides individual components with background about Indian tribes.

• OTJ has worked with the Office of Legal Education to develop the curriculum for the Native American Issues seminar for Assistant U.S. Attorneys. The curriculum includes cultural considerations, Indian Health Service and evidence issues, juvenile prosecutions, medical evidence, interviewing child victims, environmental issues and religious freedom, financial crimes and Indian gaming, and sentencing for Indian defendants.

DOJ'S EFFORTS TOWARDS RACIAL RECONCILIATION

The Department of Justice is the primary government enforcer of federal civil rights laws. These laws prohibit discrimination on the basis of race, color, sex, religion, national origin and disability, among others. These protections extend to a wide range of activities, including voting, education, employment, housing, the use of public accommodations, and access to reproductive health services. Furthermore, the Environment and Natural Resources Division has been involved with extensive litigation in environmental justice and the protection of Indian tribal lands.

Yet, DOJ's efforts are not limited to the courtroom. As part of extensive outreach programs by a variety of components, DOJ has been actively participating in a dialogue about race with America. From the Community Relations Service's Student Conflict Program, to the Bureau of Prison's inmate community service program, DOJ is organizing a systemic effort to facilitate discussion among people and communities.

Below, we first highlight the Civil Rights Division and Environment and Natural Resources Division's (ENRD) substantial accomplishments in a broad spectrum of civil rights enforcement activities. We then review the activities that address DOJ's community outreach programs. There are a number of joint efforts conducted and coordinated by a variety of DOJ Divisions and Components, including the Hate Crimes Initiative and the National Church Arson Task Force. These are described separately. Then, we describe activities by each component, showing the breadth of initiatives throughout DOJ.

ANTI-DISCRIMINATION LITIGATION

II. THE CIVIL RIGHTS DIVISION

A. Criminal Prosecution: The Division remains strongly committed to the vigorous prosecution of criminal violations of civil rights laws.

◀ In Fiscal Year (FY) 1996, the Division received 11,721 complaints, reviewed 10,129 complaints and investigated 2,619. The Division has had a prosecutorial success rate of 87%. Already in 1997, the Division has received 6,000 complaints alleging criminal interference with civil rights.

◀ In FY 96, the Division filed 42 cases involving racial violence charging 66 defendants, the highest number of cases and the second highest number of defendants ever charged in one year. For example:

◀ Three defendants, one of whom is a racist skinhead and a member of the white supremacist group "South Bay Nazi Youth," were convicted of a civil rights conspiracy after they drove through the streets of Lubbock, Texas, hunting African-American men, luring them to the conspirators' car and shooting the men at close range with a short-barrelled shotgun. One victim died, one was seriously wounded in the face and another had a finger blown off.

◀ In Livingston, Texas, six defendants pled guilty to civil rights charges for beating randomly selected African-American men with a rifle and a rodeo belt buckle, and punching them repeatedly as they tried to escape. The defendants had been angered at seeing other black men at a night club in the presence of white women. The adult defendants were given prison sentences ranging from 20 to 43 months.

B. Voting Rights: One of the Division's most important missions is to ensure that all Americans enjoy a fully effective right to vote, free from unlawful discrimination.

◀ The Division is vigorously enforcing the National Voter Registration Act (NVRA) -- the so-called "Motor Voter" law. The Division's litigation has successfully defended Congress's constitutional authority to enact the NVRA and has brought states that originally resisted the law -- California, Illinois, Michigan, Mississippi, Pennsylvania, South Carolina, and Virginia -- into compliance. The Division is monitoring other states for full compliance, and has recently challenged New York's NVRA procedures.

◀ The Division is committed to its efforts to achieve equal voting opportunities for all Americans, including minorities who live in states that have a history of voting discrimination. We have defended fair redistricting plans against claims that they are unconstitutional "racial gerrymanders," and we will continue to do so consistent with the Supreme Court's legal standards.

◀ In June, 1997, the Supreme Court upheld the constitutionality of a Florida State Senate District in the Tampa Bay area that was negotiated with the State and that provides minority voters an opportunity to elect a candidate of their choice.

◀ On April 24, 1997, a federal court in Louisiana upheld the constitutionality of a majority-black parish council district drawn to remedy a violation of the VRA.

◀ The Division's vigorous enforcement of the minority language provisions of the Voting Rights Act and Section 5 of the Act resulted in new and expanded protections of Native Americans' right to be provided election information and assistance in their own languages in counties in New Mexico and protections of Chinese Americans' right to be provided Chinese language election materials and assistance in Alameda County, California, and New York City. The Division has established a Minority Language Task Force to enhance our enforcement of these important protections.

◀ The Division has reviewed, since 1992, more than 12,500 submissions under Section 5 of the Voting Rights Act and objected approximately 150 times on the grounds that proposed changes have violated the Act.

C. Housing and Public Accommodations Discrimination: The Division has made attacking housing and lending discrimination a high priority.

◀ Over the past five years, the Division has filed 38 pattern and practice testing cases with evidence generated by its fair housing testing program. All of these cases involve rental situations and often involve agents misrepresenting the availability of rental units to apartment seekers based on their race or national origin.

◀ The Division conducted 207 housing discrimination investigations in 1996 alone, and resolved 92 cases by either consent decrees or trials.

◀ The Division has filed twelve lending discrimination suits, all of which have settled by consent decree. These suits have been widely publicized within the banking industry and have had a positive impact on industry practices. Among them, in August 1994, the Justice Department settled a lawsuit against Chevy Chase Bank for allegedly refusing to issue loans in predominantly African American neighborhoods because of the racial makeup of those neighborhoods. The results of this case have been quite positive, with the bank making significantly more loans in African American neighborhoods -- by the end

of 1994 they recorded a 536 percent increase in the District of Columbia and a 266 percent increase in Prince George's County, Maryland.

- ◀ The Division resolved a major lending discrimination suit against the Northern Trust bank in Chicago, Ill., resulting in monetary relief of \$700,000 for victims of the discrimination.
- ◀ The Division is committed to ending discrimination in insurance practices. We have settled with four of the largest insurance companies in the nation, which together write almost 50% of the nation's homeowners insurance policies.
 - ◀ In March, 1997, DOJ settled our lawsuit against Nationwide Insurance Companies. We had compiled evidence of intentional discrimination in industry practices. The settlement, the most comprehensive in such a case, requires Nationwide to expend over \$13 million in ten cities for community investment.
 - ◀ DOJ recently settled a major case charging that American Family Insurance Company, the largest provider of homeowners' insurance in Wisconsin, violated the Fair Housing Act, where the company had failed to offer homeowners' insurance in a predominantly African American community in Milwaukee to the same extent and on the same terms that it offered such insurance in the majority white areas of the city and its surrounding suburbs. The consent decree provides for injunctive relief, \$5 million in monetary damages to individual victims of discrimination, and over \$9 million in low-interest loans for the formerly excluded communities.
- ◀ The Division resolved a major public accommodations suit against the Denny's restaurant chain in 1994. In addition to substantial monetary relief for individual victims of discrimination, the settlement included significant provisions to prevent future discrimination. The Department is presently looking for ways to strengthen and broaden its ability to combat discrimination in public accommodations.

D. Employment Discrimination: The Civil Rights Division is responsible for enforcing Title VII of the Civil Rights Act of 1964 against state and local governments.

- ◀ During the Clinton Administration, the Division has filed nearly sixty new lawsuits charging both individual discrimination and patterns and practices of employment discrimination. Since 1996, the Division has filed 19 new cases and has settled 22 new or pending cases.

◀ The Division continues to bring suits challenging both cognitive and physical strength and agility tests used by public agencies that have a disparate impact on minorities and women but that do not predict success on the job, including successful lawsuits against Nassau County, New York, and the Louisiana State Police Department.

◀ During the Clinton administration, the Division has also obtained orders providing injunctive and make-whole relief for over 2,000 victims of discrimination. This is a new record.

◀ The Division is also currently administering the distribution of over \$10 million in damages to victims of employment discrimination. The Division has obtained \$7.2 million in back pay and benefits to an estimated 1,000 female victims of a gender-restricted hiring and assignment policy of the Arkansas Department of Corrections.

◀ The Division has been involved in the President's review of affirmative action and in the preparation of a proposal to reform affirmative action in government procurement. Several federal statutes have now been challenged. The Department is committed to the vigorous and effective defense of these lawful federal affirmative action programs.

E. Citizenship and National Origin Discrimination: In April 1994, the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) merged with the Civil Rights Division. OSC's mission is to eliminate workplace discrimination based on a worker's citizenship status, national origin, or the employment eligibility verification process.

◀ Since 1992, The Division has investigated 1,691 discrimination charges and initiated 125 independent investigations. During this period, the Division filed 44 complaints and negotiated 158 formal settlements of charges and 26 settlements of independent investigations.

◀ In October 1996, the Division negotiated a settlement agreement with Wal-Mart Stores, Inc. of a complaint which alleged that one of its locations had engaged in a pattern or practice of requiring aliens to produce burdensome and unfair documentation.

◀ In May, 1997, the Division filed a complaint against Schmitz Corporation d/b/a Little Oak German Restaurant for its refusal to hire a U.S. citizen of Filipino descent because he could not produce an INS-issued document. The restaurant believed the complaining party to be an alien because of his "foreign" appearance.

◀ The Division obtained an important ruling in U.S. v. Guardsmark, which held that all work-authorized individuals are protected under the "document abuse" provisions of the

Immigration Act of 1990. In settling this case, the Division successfully negotiated the largest civil penalty ever assessed under the antidiscriminatory workplace provisions of the statute.

◀ As part of its public outreach program, the Division maintains a toll free hotline (1-800-255-8155, TDD 1-800-362-2735) to resolving employer confusion arising from the Immigration and Nationality Act (INA). The hotline, along with its innovative automatic "fax-back" feature, has been extremely successful, and provided up-to-date information to over 7564 callers between July 1994 and December 1995.

F. Educational Opportunities: The Division continues to be committed to eliminating the vestiges of segregation in elementary and secondary education as well as in public state institutions of higher education.

◀ In the past year, the Division intervened in two private suits, Sinajini v. San Juan County Sch. Dist. and Meyers v. San Juan County Sch. Dist., to support their allegations that Native American students in Utah were being denied equal educational opportunities because of their ethnicity and limited-English speaking proficiency.

◀ The Division continues its challenges to the formerly separate higher education systems in Mississippi and Alabama.

◀ The Division continues to monitor the progress of school desegregation in cases involving over 500 school districts located in the formerly *de jure* states.

◀ In response to recent court and legislative actions challenging the voluntary use of race for admissions and assignments by school districts with K-12 grades, the Department is working with the Department of Education to establish policies and guidelines regarding narrowly tailored voluntary student assignment practices that promote diversity.

◀ In anticipation of future litigation involving challenges to affirmative action programs in colleges and universities spawned by the 5th Circuit's ruling in Hopwood v. Texas, 78 F. 3d 932 (5th Cir. 1996) (ruling that diversity did not justify the use of race in education admissions), the Department has established a post-Hopwood working group which has been involved in litigation in Texas, and is presently considering involvement in other higher education cases.

G. Coordination and Cooperation with other Federal Agencies: The Division coordinates the enforcement by Federal agencies of various statutes that prohibit illegal discrimination in programs that receive Federal financial assistance, including Title VI's prohibition against discrimination by recipients of federal funds.

◀ As part of the Administration's efforts to reinvigorate the effective, consistent, and timely enforcement of grant-related civil rights statutes (including Title VI) as required by Executive Order 12250, the Division held individual meetings with over 26 Federal grant-giving agencies. The purposes of these meetings were to identify questions and problems, determine training needs, and share worthwhile practices and procedures utilized by various agencies. As an outgrowth of the meetings, the Division has conducted training sessions for 14 Federal agencies and the State of Tennessee, which has a State law equivalent of Title VI. In addition, an agency advisory group was established to identify current issues and build a consensus for proposed solutions. The group, which is made up of 12 Federal agencies, will meet with the Division every month. This year, the Division completed a comprehensive Title VI legal manual and an investigations procedures manual which includes a "how-to" program compliance section with case studies and investigatory pointers.

◀ The Division's responsibility for investigating complaints of services discrimination on the basis of race, color, sex, national origin, and religion filed against law enforcement agencies receiving assistance from the Justice Department has recently been clarified by a memorandum of understanding (MOU) with the Office of Justice Programs (OJP). Pursuant to this strategy, the Division developed and will distribute a complaint form and a brochure advising individuals of their rights under grant-related civil rights laws.

◀ The Division took several steps to increase public awareness of its mission and activities. After an over 10 year hiatus, the Division revived the Civil Rights Forum. This quarterly publication advises Federal agencies, interest groups, and interested individuals about policy developments concerning enforcement of grant-related and other civil rights laws, recent court decisions, and other items of interest.

◀ As part of its outreach, the Division distributed a 60-second radio public service announcements it had produced, both in English and Spanish, that described the programs and activities covered by Title VI and explained how and where to file complaints of discrimination.

H. Redress for Japanese-American Internees:

◀ The Division issues monetary redress to American citizens and permanent aliens of Japanese ancestry who were forcibly evacuated, relocated, and interned by the United States Government during World War II. As of the end of FY 1995, the Division authorized redress payments totalling over \$1.5 billion in nearly 80,000 cases.

I. Appellate:

◀ In fiscal year 1996, the Department filed 124 briefs and other substantive papers involving civil rights matters in the courts of appeals and the Supreme Court. This year,

the Division has already filed 72 briefs of substance regarding such matters as hate crimes, the Fair Housing Act, National Voter Registration Act, and environmental justice. In 1996, the Division had an 81% success rate in the Courts of Appeals on merits cases.

- ◀ The Division filed briefs as amicus in challenging California voters approved Proposition 209, which amended the state constitution to prohibit state affirmative action based on race or gender. In our briefs, we argued that Proposition 209 is unconstitutional because it places unique and extraordinary burdens on the ability on minorities and women to redress discrimination through the ordinary political process. The Ninth Circuit Court of Appeals rejected this argument, and we are presently seeking a rehearing en banc.

J. Increased Fine and Debt Collection:

- ◀ The Division collected or had funds disbursed to aggrieved parties for judgments awarding restitution, penalties and fines totaling \$25,132,408 in fiscal year 1995. This was a 407% increase over the previous five year average.

II. THE ENVIRONMENT AND NATURAL RESOURCES DIVISION (ENRD)

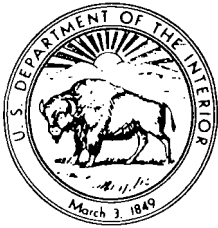
A. Environmental Justice

- ◀ Since President Clinton signed Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations", ENRD has played an active role in developing and implementing the Department's policy on environmental justice. 59 Fed. Reg. 7629 (Feb. 11, 1994). The Executive Order directs each federal agency to design a strategy to address disproportionately high and adverse human health or environmental impacts on minority and low-income populations and to make the achievement of environmental justice a part of its mission. The Executive Order also applies to Native American communities and Indian tribes.

- ◀ ENRD attorneys worked closely with the Department's Working Group to develop a Department of Justice environmental justice strategy, one of the requirements of E.O. 12898. The Division, along with Civil Rights attorneys, also helped draft guidance, issued in January 1995, to assist Department of Justice personnel identifying and handling environmental justice matters.

- ◀ Since June 1996, ENRD has taken the lead role in coordinating environmental justice issues within the Department of Justice. ENRD represents DOJ at the Interagency Work Group on Environmental Justice, the group created by E.O. 12898 that coordinates environmental justice issues within the Executive branch.

- ◀ ENRD developed a training video on environmental justice for DOJ employees. This video has been used widely by other government agencies, including the Environmental Protection Agency, the Department of Defense, and the U.S. Department of Agriculture.
- ◀ ENRD has worked closely with the Council on Environmental Quality ("CEQ") to help develop a draft federal policy on considering environmental justice issues in agency decision-making under the National Environmental Policy Act ("NEPA").
- ◀ ENRD has worked closely with the Civil Rights Division and EPA to develop policy on how Title VI of the Civil Rights Act applies to environmental permitting programs. As part of this effort, ENRD participated in drafting amicus briefs in Chester Residents v. Seif, a Title VI complaint in Chester, Pennsylvania, challenging the Pennsylvania Department of Environmental Protection ("PADEP") for its permitting a waste facility.
- ◀ In our affirmative environmental enforcement litigation, our Environmental Enforcement Section attorneys obtained significant settlements in several cases with environmental justice components. In cases where environmental justice issues have been identified, attorneys are encouraged to conduct outreach to affected communities, to respond as directly as possible to environmental risks faced by such communities, and to promote participation in the agency decision-making process concerning environmental remedies. In reaching settlements in cases involving environmental justice issues, attorneys also are encouraged to explore possible supplemental environmental projects ("SEPs") with the affected community. SEPs are additional projects protecting the environment that defendants agree to undertake, often with direct benefits to the community involved in a case.
- ◀ United States v. ABEX (E.D. Va.). On April 25, 1996, the District Court entered a consent decree in this remedial action, in which ABEX, Inc., the City of Portsmouth and the Portsmouth Housing Authority agreed to excavate lead contaminated soils from a predominantly African-American public housing site, take other measures to ensure safe habitation of the area, and pay past costs. EPA, along with DOJ, conducted extensive community outreach. Site residents will be temporarily relocated during the excavation. In addition, city and housing authorities plan to acquire privately-owned homes on site and use the property to build a municipal facility. A public housing project and low-income private housing are located within the Superfund site's boundaries.
- ◀ United States v. Pegasus Gold Corp. V. Zortman Mining (D.Mont.). On July 22, 1996, the United States lodged with the District Court a consent decree settling claims under the Clean Water Act. The decree resolves a coordinated enforcement



THE SECRETARY OF THE INTERIOR
WASHINGTON

18 JUL 1937

Mr. Thurgood Marshall, Jr.
Secretary to the Cabinet
and Assistant to the President
The White House
Room 160, EOB
Washington, D.C. 20502

Dear Mr. Marshall:

In response to the Cabinet Affairs Office's request, please find enclosed the Department of the Interior's "best practices" to improve diversity. They are not all-inclusive, but represent examples of the broad range of initiatives that we have undertaken to promote diversity throughout the Department.

I have made a personal commitment to improve diversity within the Department and to institutionalize processes that will remain after I am gone. I have charged top management with the responsibility of personally engaging themselves in this effort. As stewards of the Nation's vast natural resources, it is imperative that the Department of the Interior's workforce mirror the image of the public it serves. We will continue to explore ways to further support the President's initiative on race.

Sincerely,

Enclosure

BEST PRACTICES TO IMPROVE DIVERSITY IN THE DEPARTMENT OF THE INTERIOR

Interest and involvement by top management:

- Interior Management Council (IMC). The Department has many policies in place to improve diversity; however, the personal involvement of the IMC serves as an excellent model of a pro-active work group at the highest level. The IMC, comprised of the Deputy Director from each Bureau, developed a Diversity Action Plan that required all Bureaus to take specific implementing steps to ensure diversity is improved. Because the plan was developed by top management across bureau lines, it obtained full buy-in and, therefore, is easier to implement. The Plan required: Targeted Recruitment Plans for each bureau, vigorous monitoring of representation in each bureau, strengthening career prospects through employee development, and adoption of a diversity standard for managers' performance standards. This initial effort has now concluded; however, it laid the foundation for the Diversity Task Force.
- Diversity Task Force. The Deputy Secretary established a Task Force on Diversity charged with developing a Departmental Strategic Plan, to be followed by a Bureau-specific plan. The Deputy Secretary has provided personal leadership to the Task Force which has reinforced the importance of the diversity initiative in DOI.
- Diversity Council. The council is an ongoing advisory and proactive working group established to promote diversity and to address issues affecting the quality of work life in DOI. It has representation from each Bureau and Office. It provides advice and assistance in implementing programs and initiatives to further diversity and identifies strategies to create and retain a diverse workforce. The Council is represented on the Diversity Task Force and, therefore, the employees' perspective is provided to the broader planning effort.
- Deputy Assistant Secretary for Workforce Diversity. The appointment of a new DAS for Workforce Diversity has emphasized the Secretary's serious commitment to improving diversity. The DAS gives visibility to this commitment and clout in implementing accountability efforts. Because of the complexity of DOI's mission, occupations and geographic disbursement, the leadership provided by the DAS is critical to the successful direction and implementation of the Secretary's diversity initiative.

Plans and systems to promote and monitor progress in diversity

- Equal Employment Opportunity Reports (EEOR) system. The EEOR provides summary reports on human resource management, with particular attention to affirmative employment program (AEP) issues. OPM now has a copy of the program for their own analysis, and EEOC and OPM have been actively recommending it to other departments who are frequently requesting demonstrations of the system. The EEOR system provides

a summary report of human resource management issues, including population and change, accessions, separations, representation, etc., that can be used as a management tool for measuring progress at all levels of the organization and can be used to measure performance standards for managers.

- **Accessibility Data Management System (ADMS).** ADMS is the first nationwide computer program specifically designed to facilitate the management of accessibility programs within government. The goal is to make America's natural resources programs and facilities accessible to all people, including those with disabilities. ADMS enables agencies to manage data efficiently and share data with other agencies and the public.

Employee development and outreach programs

- **DOI Diversity Summer Intern Program.** Through cooperative agreements the Hispanic Association of Colleges and Universities (HACU), the National Association for Equal Opportunity in Higher Education (NAFEO), Haskell Indian Nations University (HINU) and the Student Conservation Association (SCA) recruit, screen and pay a stipend to students from the institutions they represent to serve internships at DOI sites in Washington, D.C. and field locations. Each year program has increased the number of students who receive valuable training and experience from 16 in 1994 to 87 in 1997.
- In partnership with the Melvin Sharpe Health School, a public school in Washington, D.C., that provides education and therapeutic services for students up to age 21, the Department has placed 20 students in summer jobs. All of the Bureaus located in the city assisted by providing meaningful employment to these young people with disabilities such as cerebral palsy, spina bifida, muscular dystrophy, and visual and hearing impairments.
- **Tribal Colleges and Universities.** An Executive Order was signed by President Clinton to promote educational opportunity and individual achievement, support tribal sovereignty and advance Federal Indian Policy. Current DOI efforts with tribal colleges and related activities have been highly successful in establishing internships, promoting job opportunities and supporting workforce diversity. The next efforts will focus on exploring collaborative curriculum development, personnel and faculty exchanges, since tribally controlled colleges qualify as minority institutions of higher education.
- **Historically Black Colleges and Universities (HBCUs).** Under Executive Order 12876, which directs cabinet-level department support and assistance to HBCUs, the Department of the Interior contributed \$6,623,419 to Historically Black Colleges and Universities. This commitment reflected DOI's monetary support to HBCUs in terms of 1) providing grants, contracts and subsidies for other research agreements; 2) participating in workshops, seminars, conferences, on-the-job-training, special training courses, and job fairs/career days; 3) donating or loaning surplus/excess equipment; 4) hiring for summer employment programs; and 5) supplying bureau/office liaison and evaluation activities.

- Hispanic-Serving Institutions (HSIs). Over Fiscal Years 1993-1995, DOI's efforts to increase opportunities for Hispanic Americans included over \$3.4 million in contributions to HSIs, with 61% going toward research activities. The three-year interval witnessed a 43% increase in support and assistance devoted to HSIs.
- The Diversity Intern Program is an outgrowth of the Department's targeted recruitment efforts. It established a pipeline of talented and motivated students and provided them with an opportunity to garner developmental employment experiences related to their academic programs. Based on the strength of their applications, ten students will be selected from the Summer Partnership Diversity Intern Program (which operates in conjunction with HACUs, HBCUs, HINU, and SCA) and hired by the bureaus to complete 640 hours of career-related work. Upon graduation, the students become eligible for conversion to a permanent appointment in the federal government.

Best Practices in Bureau- and Office-sponsored programs to improve diversity:

- Solicitor's Honors Program in the Office of the Solicitor. This is an entry-level attorney hiring program through which third year law students are recruited for the following fall. There are 8-10 participants each year. Since 1992, the program has drawn a high representation of women and minorities from diverse geographic locations.
- Solicitor's Ambassadors Program. This is a newly established program in which 21 volunteer employees from the Office of the Regional Solicitor, including current honors program attorneys, serve as ambassadors to law schools around the country. The schools were chosen based on several factors in order to attract a diverse pool of highly qualified candidates; i.e., they have a high minority student enrollment and excellent academic credentials. The ambassadors are charged with establishing a long-term relationship with their assigned law schools to increase interest in the Solicitor's Office among top quality law students by familiarizing the students with DOI activities and programs, and serving as a point of contact.
- The Bureau of Indian Affairs Office for Equal Opportunity Programs is working with the Confederated Tribes of Umatilla Indian Reservation, near Pendleton, Oregon, to develop an accelerated administrative process for dealing with discrimination complaints of tribal employees who work in the tribal government offices, the health services program and the Hotel/Casino. Although Tribal governments are exempt from Title VII of the Civil Rights Act, which prohibits discrimination in the workforce, many tribes have experienced the same kinds of problems managing a diverse workforce as those experienced in the Federal sector. In furtherance of tribal self-determination policies, tribes are assuming greater responsibility for managing programs that were previously administered by BIA and the Indian Health Service, and many tribes have opened their court system to claims of discrimination by tribal and non-tribal employees. The BIA EEO Director and Tribe's Chief of Personnel conducted training for all employees and supervisory personnel to teach them ways to minimize the causes of disputes and what they can do to seek redress.

through the tribal administrative process. This will serve as a model for other tribes that are looking for ways to be responsive to the needs of their employees and ease the strain of cases burdening their court systems.

- The National Park Service Police has developed a comprehensive recruitment plan aimed at increasing the diversity profile of the National Park Police. Among the more innovative strategies is their sponsorship of a Law Enforcement Explorers Post. This program is affiliated with Boy Scouts of America and provides members with opportunities to be involved in law enforcement related activities. The program is designed for youth between the ages of 14 and 21 and current targets two inner city high schools in Washington, D.C. The program provides these youths with an opportunity to become familiar with the law enforcement profession in a positive way. Since their involvement began more than 100 youths, mostly minorities, have participated in the program.
- The Bureau of Reclamation conducted study of the Lower Colorado Region to determine where they need to go in order to effectively address the issues of diversity and to have a realistic plan for implementing the necessary changes to ensure success in eliminating the under-representation of women and minorities in the organization. The study will be used as a blue print for assessing the entire organization and, thus, help ensure success with the overall effort of creating diversity in the organization. In an effort to further improve diversity, the Lower Colorado Dams Facilities Office expanded their recruitment for police officers to several states that are highly populated with minority candidates. The result was a larger list of diverse candidates from which to select.
- The Fish and Wildlife Service in Anchorage, AK, participates with the Alaska Native Employment Network to recruit Alaska Natives. Since some Alaska Natives have problems with the application process when applying for Federal employment, staffing specialists from the Federal agencies have formed a group to assist them. A major concern is reaching their rural and remote communities. FWS also has a Local Hire Program, designed to hire individuals who possess cultural or resource expertise (native customs, beliefs, language, lifestyles) gained from having lived or worked near public lands. Hiring has been simplified, since the hiring authority waives the qualifications requiring formal training or experience normally imposed by OPM.
- The FWS Regional Office in Albuquerque, NM, has compiled a mass mailing list of minority groups and organizations nationwide to promote the widest possible dissemination of vacancy announcements for use in recruiting for upper management positions. The Region actively recruits Native American tribal members to fill positions at duty stations located on or near reservations.

To: David Beaubaire, Special Assistant to the Cabinet Secretary and
Director of Surrogate Scheduling
Fr: Reba Pittman Evans, Dep. Chief Of Staff
Office of the Secretary of Agriculture
DT: July 21, 1997
RE: USDA's Best Practices for Civil Rights Enforcement

Since January of 1997, the USDA has sponsored listening sessions across the country during which Secretary Glickman has noted the views of constituents concerned over Civil Rights practices. As a result of these sessions, the Secretary has set sweeping reforms in motion. The Secretary created a high-level Civil Rights Action Team (CRAT), headed by Pearlie S. Reed, Acting Assistant Secretary for Administration.

The Civil Rights Action Team's February '97 report included 92 recommendations for addressing institutional and underlying problems at the USDA, as well as mechanisms for assuring accountability and follow-through. Under the CRAT, civil rights policy-making and enforcement has been centralized, to help ensure prompt and effective accountability and reform. Concerning the team's objectives the Secretary has stated: "The most dramatic changes will come from our efforts to reign in authority."

This major civil rights restructuring is addressing both program delivery and internal employment practices. The Assistant Secretary for Administration, to whom the strengthened Office of Civil Rights reports directly, has full authority over all civil rights issues at the USDA, and has been delegated the authority to rate agency heads on their civil rights performance. A civil rights division has also been established in the Office of the General Counsel to ensure civil rights expertise will remain an integral part of the USDA legal team.

Continuing into the future, the USDA is greatly expanding Title VI training for its employees, as well as non-Federal staff, to identify the skills needed to more effectively manage people and serve customers; is establishing an Office of Outreach to coordinate departmental efforts; and is in the process of establishing a wider network of State and national outreach contacts. Other wide ranging changes are also planned for the future, pending Congressional approval.

Although the sheer number of reforms may force some of these changes to take place beyond the projected six-month timetable for implementation of the reform plan, Secretary Glickman has emphasized that "There will be no committee to report on the committee's report and make recommendations on the recommendations. We will simply press forward."

RPE:jav



July 18, 1997

MEMORANDUM FOR DAVID BEAUBAIRE

FROM: Paul Donovan
Chief of Staff

SUBJECT: Department of Commerce Initiatives on Race -- Best Practices

The Department of Commerce is committed to supporting the President's call for an improved dialogue on race in the United States and the need for all Americans to have real opportunities to contribute to the economic health and social fabric of our Nation. The Department has been working to that end through several initiatives. Presented below are some of the "best practices" at the Department in the four areas requested by your staff: managing the business of government, personnel process, actions on civil rights complaints, and policy ideas.

Managing the Business of Government

- *Improving Communication and Understanding:* The late Secretary Ron Brown established the Commerce Diversity Council in 1994. Secretary Darcy conveyed his support for the group at a meeting of the Council on April 23, 1997. The Council promotes a partnership among Commerce employees from all Bureaus and the Office of the Secretary and representing many occupations and grade levels. The emphasis of the Diversity Council is to bring seven basic diversity policy tenets into the mainstream of Commerce's business practices: inclusion, opportunity, comprehensiveness, accessibility, training, management, and evaluation/communication. The Commerce Diversity Council also publishes and widely disseminates a newsletter, "Tessera," that highlights Commerce activities and the people that support and emphasize the ideas of diversity.
- *Procurement:* The Department has established goals for awarding procurement contracts to minority-owned businesses and to qualified § 8(a) firms. In FY 96, Commerce awarded \$103.8 million, representing 13.4 percent of its total procurement dollars, to § 8(a) firms, exceeding the Department's goal by 1.4 percent. Also in FY 96, the Department awarded \$55.2 million in contracts to other minority businesses, representing 7.1 percent of the total contracts awarded.
- *Inclusion:* The Department provides a vast array of resources to the public that traditionally have not been taken advantage of by a representative level of minority participation. The Department has made a concerted effort to include minority owned businesses in its trade-related initiatives. The Minority Business Development Agency

(MBDA) and the International Trade Administration (ITA), through a collaborative effort, have provided assistance to minority firms toward expanding their market base internationally. Since 1993, this partnership has led to the participation of 325 minority firms in 18 trade missions. Secretary Dalcy signed a statement of intent with the Hispanic Chamber of Commerce on July 17, 1997 to increase the number of Hispanic firms that avail themselves of the Department's resources.

- *Awareness:* The Office of Civil Rights (OCR) and the Department's major Bureaus sponsor many special emphasis programs, including events focusing on Hispanic Employment, African American Employment, Asian/Pacific American Employment, and Native American Employment. These events include: African American History Month, Asian/Pacific American Heritage Month, Native American Heritage Month, and Hispanic Employment Heritage Month celebrations.

Personnel Process

In compliance with the U.S. Equal Employment Opportunity Commission's requirements, the Department prepares an annual report that compares minority representation in the Commerce workforce with minority representation in the U.S. civilian labor force. From that report, the Department identifies under-representation of minorities in various job categories. The Department uses the report to develop strategies for recruiting minorities to apply for positions with the Department.

Processing Civil Rights Complaints

Since instituting two new tools, Fact-Finding Conferences and Alternative Dispute Resolution, the Office of Civil Rights has seen a 24.7 percent improvement in the time to process EEO complaints and a 27.5 percent improvement in the number of complaints closed. Fact Finding Conferences are one-day formal conferences that are used to compile most of the evidence in the case. This method of investigation has resulted in a decrease in EEO complaint processing time. Alternative Dispute Resolution provides the parties to a complaint voluntary mediation as a method to explore ways to resolve their differences. Emphasis is placed on increasing communication between parties, finding areas of agreement, and reaching mutually acceptable resolutions.

Commerce also has established a diverse, well-trained cadre of full time EEO Specialists and collateral duty EEO Counselors that provide Commerce employees with superior EEO complaint counseling.

Policy Ideas

The Secretary has engaged in discussions with several public and private sector individuals on the subject of urban policy and the role of the Department of Commerce. What has emerged from those meetings is a very strong sense that many of the problems facing the Nation's cities are related to a continuing isolation of and discrimination against minorities,

especially those that are poor. As the Administration proceeds with the implementation of its Welfare-to-Work initiative, it becomes increasingly important that we work to ensure that economic opportunity exists for all Americans.

Through its regular interactions with the business community and its programs designed to strengthen and grow economic activity, the Department is working to develop a strategic initiative that will promote economic opportunities for minorities. Although we are only in the early stages of planning, we are moving to integrate quickly Commerce's resources which already are supporting minority economic activity. We hope to work closely with the White House and other agencies in contributing to a meaningful dialogue on race in this country and producing the resources that ensure equal opportunity for all Americans.

If you need further information or have any questions about Commerce's participation in supporting the President's initiative on race, please contact me or LeeAnn Inadomi on my staff at (202) 482-4246.

LABOR

MEMORANDUM FOR THURGOOD MARSHALL, JR.
SECRETARY TO THE CABINET

FROM: VIRGINIA M. APUZZO 
ASSOCIATE DEPUTY SECRETARY
U.S. DEPARTMENT OF LABOR

SUBJECT: PRESIDENT'S RACE RECONCILIATION INITIATIVE

DATE: July 18, 1997

This is in response to your request that the Department provide information regarding its internal practices and external programs in the context of the President's Race Reconciliation Initiative.

I. INTERNAL DEPARTMENT OF LABOR BEST PRACTICES

- < Forged relationships and partnerships with academic institutions and other organizations composed of high minority populations to assure that or targeted recruitment programs result in a diverse pool of candidates. To date, these efforts have been highly successful in assuring a very diverse pool of selections in our recent hiring initiative. Specifically, of the 947 individuals hired, 55% are female, 16.2% are African-American, 14% Hispanic, 4.8% are Asian, .8% are Native American, and .4% are people with targeted disabilities.
- < Achieved a highly diverse workforce in the Department with all groups fully represented as compared to the Civilian Labor Force with the exception of Hispanics, people with targeted disabilities, and white females.
- < Emphasized equal opportunity for all employees resulting in diverse representation of minorities and women in the upper grade levels. This includes strong focus on training and development so that all can achieve full potential and specialized programs such as the Career Enhancement Program which is designed to bridge those in primarily clerical positions to entry-level professional occupations.
- < Issued Secretary of Labor policy statements indicating that we do not tolerate

- ▶ Issued Secretary of Labor policy statements indicating that we do not tolerate discriminations based on race, sex, color, religion, national origin or sexual orientation
- ▶ Established an active worker-trainee hiring and education program designed to outreach and provide employment and development opportunities for the disadvantaged, including welfare recipients as they transition to the world.
- ▶ Established the "Early Resolution of EEO Complaints" program (EREC), which offers mediation as an alternative to resolve complaints of discrimination. This process allows an employee to discuss the allegations with a senior level staff member at the earliest indication of a problem, and prior to getting involved in the formal complaint process. The Executive has full authority, granted by the Agency Head, to address the issues raised and resolve the matter. The parties are assisted in this process by mediation. In addition, it has opened communications, improved working relationships, and saved time and expense.
- ▶ Provided outreach to ensure that small, small disadvantaged, and women-owned small businesses and minority colleges and universities (MCU)s receive fair consideration for procurement opportunities with the Department of Labor, and to encourage participation of MCUs in all the Department's programs.
- ▶ Signed and implemented numerous Cooperative Agreements and Memoranda of Understanding with various special interest groups and organizations such as the National Council of Negro Women, the National Association of Women in Construction Historically Black Colleges and Universities (HBCUs), national Association for Equal Opportunity in higher Education (NAFEO) and the Hispanic Association of Colleges and Universities (HACU). Also developing close working relationships with President's Council for the Employment of People with Disabilities, the Native American community, and the National Association of Hispanic Federal Executives (NAHFE, Inc.).
- ▶ Developed desk aids for managers and supervisors to supplement EEO training programs on the EEO process and Reasonable Accommodation.
- ▶ Hosted a variety of educational special emphasis programs to celebrate the cultural diversity of our workforce.

II. DOL PROGRAMS

A. Training and Education

These programs are designed to extend economic and educational opportunity to all our citizens by giving them the tools they need to take "responsibility for themselves and their families". Providing people with the skills they need to earn

a living for themselves and their families is the only way to make our citizens self-sufficient and to provide full participation in our economy as we enter the 21st Century.

- ▶ **Training programs**, including the Job Training Partnership (JTPA), prepares **Economically Disadvantaged and Dislocated Workers (EDWAA)** for productive employment, and provides training and summer job programs for economically disadvantaged youth. Additional programs include providing training and support services for **Migrant and Seasonal Farmworkers, Native Americans and Older Workers**. The Nontraditional Employment Act provides for development of exemplary training and placement programs for women in nontraditional occupations and the Women in Apprenticeship and Nontraditional Occupations (WANTO) Act makes grants to community-based organizations to provide technical assistance to employers and unions to show them how to recruit, select, prepare, and sustain women in apprenticeship and nontraditional occupations. Many of the women who benefit from the increased training and placement opportunities developed by WANTO include minority women.
- ▶ **Title IV - C of JTPA** funds placement assistance to disabled and Vietnam-era veterans. The Transition Assistance Program (TAP), available to all service personnel (and their spouses) about to be discharged, works on honing interview skills, helps with resume writing, and provides labor market information and similar job development services. Funds are also provided for projects around the country which assist homeless veterans to reenter society.
- ▶ **Trade Adjustment Assistance (TAA)** assists workers who become unemployed or underemployed as a direct result of increased imports. The program assists workers to return to suitable employment through trade readjustment allowances, job search and relocation allowances, and training and reemployment services. Emphasis is on the retraining of dislocated workers. **NAFTA Transitional Adjustment Assistance Program** is for workers in companies affected by imports from Mexico or Canada or by shifts of U.S. production to those countries. This program combines aspects of EDWAA and TAA.
- ▶ **One-Stop Career Centers** offers an array of services, such as information on a full array of employment-related services, assistance in filing initial claims for UI and evaluating eligibility for job training and education programs, preliminary assessment of skill levels, aptitudes, abilities, and supportive service needs, and self-help information. All One-Stop Centers provide easy access to reemployment services and information, universal access to all job seekers, customer choice, seamless integration of programs and services across agency lines, accountability and good labor market information.

- ▶ The nationwide **Unemployment Insurance System** offers the first economic line of defense against the effects of unemployment; the **U.S. Employment Service** provides a network of state employment service offices that help place people in jobs and **America's Job Bank** is a free, computerized accessible job bank on the Internet that links employers to job seekers.
- ▶ The **School-to-Work Program** is building a National network of STW systems. Every STW system contains three core elements known as school-based learning, work-based learning and connecting activities. School-based learning is classroom instruction based on high academic and occupational skill standards. Work-based learning is work experience, structured training and mentoring at job sites. Connective activities develop courses that integrate classroom and on-the-job instruction, match students with participating employers, train non-site mentors and build and maintain a bridge between school and work.
- ▶ **Job Corps** is the nation's largest and most comprehensive residential job training and education program for at-risk youth. Since 1964 it has provided more than 1.7 million young men and women with the vocational, academic, and social skills needed to become productive members of society.
- ▶ **Apprenticeship** is a combination of on-the-job training and related classroom instruction in which workers learn the practical and theoretical aspects of a highly skilled occupation. These programs are operated on a voluntary basis by employers, employer associations or management and labor groups. The role of the Federal Government is to encourage and promote the establishment of apprenticeship programs and provide technical assistance to program sponsors.
- ▶ ETA plans and implements **Pilot and Demonstration (P&D) Programs** to provide job training, employment opportunities and related services for individuals with specific needs. A current P&D priority is to address the employment and training needs of youth, especially high school dropouts. In addition, ETA has led the DOL participation in the St. Petersburg Federal Interagency Task Force. A racially divided city, St. Petersburg was racked last year with riots set off by the killing of an unarmed Black motorist by police. ETA's mission has been to address the underlying lack of economic opportunity in the Jordan Park community. About \$2 million in training grants are now in operation and over 100 persons have found employment through ES services since November of last year.
- ▶ The mission of the **National Skill Standards Board** is to encourage the creation and adoption of a national system of skill standards which will enhance the ability of the U.S. to compete effectively in a global economy. The voluntary skill standards will be developed by industry in full partnership with education, labor and community stakeholders, and will be flexible, portable and continuously updated and improved.

- ▶ **The Worker Adjustment and Retraining Notification Act (WARN)** requires covered employers to give notice at least 60 days in advance of plant closings and mass layoffs. Together with EDWAA and TAA, WARN is part of a comprehensive approach to aid dislocated workers.
- ▶ **The Work Opportunity Tax Credit (WOTC)** is a federal income tax credit that encourages employers to hire certain job seekers and can reduce employer federal tax liability by as much as \$2,100 per qualified new worker, or \$1,050 per qualified summer youth.

B. Employment Protection

- ▶ **The Fair Labor Standards Act** provides minimum wage and overtime protections for covered employees and, thus, serves to guarantee a living wage for poor and unskilled workers who otherwise are vulnerable to exploitation. These workers often are members of minority groups. The Solicitor's office played a significant role in determining how the 1996 welfare reform law should be interpreted consistently with the FLSA, ensuring that welfare recipients who work are treated fairly and just like other workers.
- ▶ Executive Order 11246 prohibits discrimination in hiring or other employment opportunities on the basis of race, color, gender, religion, and national origin. The Order applies to all contractors and subcontractors holding and federal or federally assisted contracts worth more than \$10,000 annually. In addition, the Executive Order requires contractors and subcontractors with a federal contract of \$50,000 or more, and 50 more employees, to develop a written affirmative action program that sets forth specific and result-oriented procedures to which a contractor commits itself to apply every good faith effort.
- ▶ As part of the Department's national retirement savings education campaign we are currently designing a minority outreach plan which will include specific joint activities with national and prominent regional minority organizations. This plan will include our current Memorandum of Understanding with the National Council Negro Women, and reflect the results of our ongoing discussions with the National Hispanic and National Asian Pacific American Councils on Aging. We are also developing outreach efforts to women and small business, to communities which include important minority population components.
- ▶ PWBA accomplishments in the area of pension regulations indirectly impact minority concerns. First, our interpretive bulletin on proxy voting encourages pension funds to take a long-term view to investment. This approach includes a responsible attitude toward community relations and development, which we believe will affect positively minority employment and investment in minority-owned businesses. Second, our interpretive bulletin on economically targeted investments confirms the Department's longstanding position that pension funds

can utilize investments which have a variety of objectives as long as those investments target competitive rates of return. Many pension funds, ranging from CalPERS to nation Taft-Hartley funds, invests in minority-owned businesses, and ably demonstrate that investors can help provide opportunities for these businesses without sacrificing return on investment. The agency is also concerned about our ability to track pension and health coverage for minorities. It is developing research strategies to better understand the benefits coverage and amounts received by minorities communities.

improve PWBA is working on translation of our publication into other languages to our ability to communicate with minority workers. I

C. Public Education

- ▶ The **"Don't Work in the Dark!"** public service educational campaign was expanded to encourage women to **get the facts** about women in the workforce; **know their rights** on the job and **find out what works** across the country. During the regional summits, working women from all walks of life learned that there are steps they can take to ensure equity in pay and benefits, advancement in their careers and balance in the demands of work and family. This expanded campaign was kicked off during the regional summit series and concerted efforts were made to reach all women old and young, labor and non-labor, Black, Hispanic, Asian, blue and white collar.

- ▶ **Regional Summits** - The "First Regional Working Women's Summit" series was conceived to get government to respond directly to working women's concerns. The regional summit series served as a catalyst for setting a coordinated, ongoing departmental agenda for working women, where each agency takes responsibility for doing its part in the regions and at the national level. Regional summits focused on issues of particular interest to local women (i.e. Kansas City summit deal with glass ceiling issues; San Francisco summit dealt with workplace flexibility and affirmative action; Chicago summit focused on domestic violence as a workplace issue.

- ▶ **National Working Women's Summit** - The National Summit built on the momentum of the regional summit series and continues our efforts to build, inform and promote our initiatives, while providing the tools to assist women in taking charge of their lives in the changing global economy. Under the broad theme of **"Economic Equity: Realities, Responsibilities and Rewards,"** the Summit provided the forum for women to continue the dialogue and develop a strategic plan for the 21st century. This outreach effort brought together an estimated 20,000 people at over 400 downlink sites across the country.

- ▶ As a result of the **Working Women Count! Honor roll program**, many honor roll members, including employers, women's organizations, and unions have implemented

programs to train, provide transportation and offer child care and other services to "assure that people who must work can work." The Bureau showcased these model programs in a publication for other employers to replicate. Many of these programs benefit minority workers in particular

- ▶ The **Fair Pay Clearinghouse** contains information on the median weekly earnings of full-time workers by sex, race and origin for the years 1983 and 1995; median earnings of full-time workers by education, sex, and race, and origin for 1995; the gender wage gap by union affiliation and race/ethnicity. The Clearinghouse provides information and resources to working women and men, employers and other organizations that are concerned about fair pay.
- ▶ Addressed labor force diversity in its publications. For example, its **fact sheet series** offers descriptions that address diversity concerns.

- Women Business Owners
- Black Women Business Owners
- Hispanic Origin Women Business Owners
- Asian American Women Business Owners
- American Indian/Alaska Native Women Business Owners

Additional fact sheets have been issued focusing on ethnic/racial groups in such as:

- Hispanic Women in the Labor Force
- Black Women in the Labor Force

- ▶ Several publications are printed in Spanish to target Hispanic women. For example, the *Pension checklist* for Women has been printed in Spanish as well as English. The Hispanic Women in the Labor force fact sheet has been translated into Spanish, as well as three of the six publications in our "**Don't Work in the Dark**" education campaign. They are:
 - Pregnancy Discriminations
 - Sexual Harassment
 - Family & Medical Leave

DOL agencies are translating publications into other languages to improve our ability to communicate with minority workers and their families



JUL 21 1997

MEMORANDUM FOR THE HONORABLE THURGOOD MARSHALL, JR.

Thank you for the opportunity to highlight the "best practices" underway within the Department of Health and Human Services (DHHS) to promote opportunity, awareness, and dialogue in support of President Clinton's Race Initiative.

This Department is acutely aware of the importance of focusing national attention on issues related to race and ethnicity, especially given the sad but overwhelming evidence that racial and ethnic variables correlate with persistent, and often increasing, health disparities between populations in the U.S. Indeed, despite the significant progress in the overall health picture of the Nation, as documented in *Health, United States*, the annual report card on the health status of the American people, there are continuing disparities in the burden of death and illness experienced by Blacks, Hispanics, American Indians and Alaska Natives and Asians and Pacific Islanders as compared to the U.S. population as a whole--disparities that have existed ever since accurate Federal record keeping began more than a generation ago.

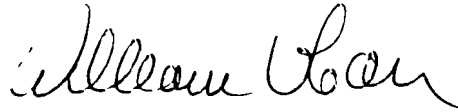
These disparities are particularly troubling and challenging given the major changes currently underway in the U.S. health care system to rein in escalating health care costs while maintaining the quality of health care, and the ever-increasing racial, ethnic, cultural, and linguistic diversity of the Nation's citizenry as we enter the 21st century. Therefore, Secretary Shalala will continue her commitment to support an "accelerated national assault on the persistent health disparities."

Enclosed are selected DHHS efforts that illustrate Secretary Shalala's commitment to the goal of eliminating health disparities among racial and ethnic populations in the U.S. These efforts represent "best practices" currently underway within HHS in support of the President's Race Initiative. The programs, activities, and initiatives delineated within are organized under broader categories of approaches (e.g., programs and policies and organizational management) that can be used to meet the goal of eliminating health disparities. Some of these "best practices" are still in their formative stages and provide more of a theoretical rather than actual model for improvement; others are fully implemented. Together they represent opportunities for progress in achieving the goals of the race initiative. I clearly understand that this Department can do more.

Page 2 - Mr. Marshall

It is important to note that these "best practices" can only *partially* address the difficult, complex, and often controversial issues surrounding race of concern to all of us. For example, although education and income do not explain *all* important disparities in health status, it is important to note that socioeconomic status *does* play a large role in influencing health outcomes. Therefore, in order for meaningful and sustained improvements in health status among racial and ethnic minority populations to occur, it is critical that corresponding advances in economic and educational opportunity be promoted as well. Since action on multiple fronts is needed, DHHS is eager to cooperate on interdepartmental collaborations.

As you know, Dr. Clay E. Simpson, Jr., Deputy Assistant Secretary for Minority Health, is the DHHS point of contact for the Race Initiative. Please contact Dr. Simpson or myself if you have any questions or if we can provide further information.

A handwritten signature in cursive script, appearing to read "William V. Corr".

William V. Corr

Enclosure

SELECTED DHHS EFFORTS IN SUPPORT OF THE PRESIDENT'S RACE INITIATIVE

I. Programs and Policies

Establishment of Offices of Minority Health. As early as 1985, DHHS established the Office of Minority Health, subsequently authorized by statute to serve as the focal point for leadership, policy development and program coordination related to the health needs of racial and ethnic minorities. OMH, together with its regional minority health consultants and the offices of minority health in the various Public Health Service agencies, work with state offices of minority health, public and private entities, community-based organizations, educational institutions, and not-for-profit and for-profit agencies to address minority health issues at the Federal, state and local levels. These offices will be needed until wide health disparities between majority and minority populations are eliminated.

Departmental Minority Initiatives. DHHS participates in, and supports at the highest levels of management, Department-wide initiatives aimed at the four major racial/ethnic minority groups. Each Operating and Staff Division head is directly accountable to the Deputy Secretary (DS) for identifying and ensuring that tangible and effective actions, as outlined in separate Departmental action plans, are taken within specified time frames to meet the goals of the respective initiative. Management structures have been established within DHHS to ensure the success of these initiatives: 1) *the Departmental Minority Initiatives Coordinating Committee (DMICC)* enables oversight, coordination, and cross-fertilization of strategies for these initiatives and is chaired by the Deputy Assistant Secretary for Minority Health (DASMH); and 2) *Steering Committees for the Departmental Minority Initiatives*, chaired by the DS, or, as appropriate, other senior Departmental leadership representing the DS, meet quarterly.

White House Initiative on Historically Black Colleges and Universities (HBCUs). HBCU-related activities support E.O. 12856 with activities designed to strengthen the capacity of HBCUs to provide quality education. A key DHHS goal is to increase HBCUs' share of programmatic funding for which these schools are eligible, and the schools' ability to compete for and manage research, service, and educational dollars. DHHS participates each September in HBCU Week activities involving DHHS staff, HBCU alumni, and HBCU presidents to exchange ideas and information and provide consultation to DHHS as to how to better serve the Black community.

Hispanic Agenda for Action (HAA). DHHS created this effort in 1996 to address health status and access, educational support, customer service, and employment within the Department. Each agency was tasked to develop methods of ensuring that the workforce, future programs, and staffing reflect sensitivity to the needs of Hispanic customers. HAA incorporates efforts to implement Executive Order 12900, "Educational Excellence for Hispanic Americans".

White House Initiative on Tribal Colleges and Universities (TCUs). Begun in 1997, DHHS support for E. O. 13021 will target assistance to the 29 American Indian tribal

colleges and universities in the U.S. DHHS is consulting with these schools, and agencies are developing 5-year strategic plans to address their needs.

Asian and Pacific Islander American (APIA) Action Agenda. In response to the public-private recommendations of two DHHS-supported national summits, DHHS in June 1997 launched an initiative that will focus on health and social service disparities affecting APIA communities. Efforts are being coordinated with a collateral group organizing the Healthy People 2000 Progress Review on the health of APIAs, which will be held this fall in San Francisco with broad community involvement.

Monitoring and Enforcement of Civil Rights Laws. The Office for Civil Rights has developed coalitions with other DHHS, Federal, State, and local entities to more effectively monitor and enforce the civil rights laws. In June 1996, the New York regional office held the first biannual "Civil Rights Round Table" which included Federal agencies, State and local human rights commissions, and the U.S. Attorney's offices. In Washington State, the regional Office of Civil Rights is collaborating with the State on a "Minority Affairs Initiative." Each division in the State agency conducts a self-evaluation of all of its programs to ensure compliance with civil rights laws and provision of services in a nondiscriminatory manner.

Bioethics. The recent creation of the President's National Bioethics Advisory Commission, supported by DHHS, promises to contribute to racial reconciliation. As charged by the President, the Commission serves as the central forum for discussion of bioethical issues, and is reexamining current regulations, policies, and procedures to ensure that all possible safeguards are in place to protect all persons who volunteer to participate in research studies. Efforts will include outreach to minority communities to increase participation in research and partnerships among researchers and local communities. DHHS is currently following up on the President's May 16 apology for the Tuskegee Syphilis Study to implement: (1) a \$200,000 grant to Tuskegee University to help build a center on bioethics and research, which will serve as a historical museum of the syphilis study, support efforts to address its legacy, and strengthen bioethics training; (2) a report and recommendations on how to better include minority communities in health care research which is due to the President in November 1997; (3) a program of postgraduate fellowships at NIH, beginning in September 1998, to promising students enrolled in bioethics graduate programs, especially Blacks and members of other minority groups, to increase and broaden the understanding of ethical issues and clinical research; and 4) DHHS will develop bioethics training materials within one year to help researchers effectively apply ethical principles in diverse populations.

Healthy People 2000: National Health Promotion and Disease Prevention Objectives presents a national prevention strategy for significantly improving the health of the American people. Goals are to increase the span of healthy life for Americans, reduce health disparities among Americans (including racial and ethnic minorities), and achieve access to preventive services for all Americans. Healthy People 2000 includes 319 unduplicated objectives, 210 of which include targets for health problems among racial and ethnic minorities. Progress reviews and annual

meetings of the Healthy People 2000 Consortium allow monitoring of progress and identification of collaborative opportunities with Federal, State and local agencies and others. In anticipation of the development of disease prevention and health promotion goals and objectives for Healthy People 2010, to include the goal of **eliminating** health disparities for racial and ethnic minorities. The November 7 meeting of the Healthy People 2000 Consortium will focus on "Eliminating Disparities: How Far Have We Come?". The Consortium immediately preceeds the American Public Health Association (APHA) meeting (APHA attendees expected 3,000 to 4,000; Consortium over 300 attendees).

Consultation with American Indian and Alaska Native Tribes and Indian Organizations. DHHS is implementing the Executive Order requiring consultation with Native Tribes and organizations in matters that affect Indian people. It is intended to create cultural awareness and improve the sometimes strained relations that exist between Native American communities and Federal/State Governments.

Cultural Heritage Programs. During the month established by Congressional proclamation -- Hispanic Heritage Month (September), African American History Month (February), Asian and Pacific Islander Heritage Month (May), and American Indian Heritage Month (November) -- DHHS conducts programs to celebrate the Nation's diversity, recognize the contributions of all Americans, and improve understanding.

Public/Private Partnerships. DHHS strives to develop effective public/private partnerships to increase access to health care for minorities. One example is HRSA's partnership with the Congress of National Black Churches to enhance the network of care. HRSA also supported initial efforts to establish the National Hispanic Religious Partnership for Community Health (NHRP), representing approximately 2,000 churches that have unique access to the Nation's Hispanic communities.

Internship Opportunities for Minority Students. DHHS agencies offer both paid and unpaid internships to minority students in high school, undergraduate programs, and graduate programs in health-related fields to encourage them to pursue careers in public health. Examples include the NIH Minority Access to Research Careers (MARC) program in which junior and senior honor students work with health researchers during the summer, and the partnership that HRSA and OMH have with Eastern High School in Washington, D.C.

Implementation of Presidential Executive Orders for Education. Creative strategies are used to implement Presidential Executive Orders designed to improve educational opportunities. For example, DHHS supported the establishment of the National Association of Hispanic-Serving Health Professions Schools, and is collaborating with the American Association of Health Plans to fund a 10-month fellowship program for minority fellows.

Inclusion Policies for Racial and Ethnic Minorities in Research. Both CDC and NIH have established policies for the inclusion of women and racial and ethnic minorities in their extramural

and intramural research. These policies allow tracking of participation in CDC- and NIH- funded research, and has resulted in expansion of recruitment activities for these populations.

Inclusion Policy for Racial and Ethnic Data. A DHHS policy for the inclusion of racial and ethnic categories in DHHS funded and sponsored data collection and reporting systems is being considered by the DHHS Data Council. This policy reaffirms DHHS's commitment to the appropriate inclusion of data on minority groups in its research, services, and related activities and helps DHHS to monitor programs to determine whether Federal funds are being used in a nondiscriminatory manner. It also promotes the availability of standard racial and ethnic data across various agencies.

Evaluation of Programs. DHHS develops methodologies for assessing the effectiveness of health professions programs at educational institutions receiving DHHS support. Presently, efforts focus on: funding awarded to Hispanic-Serving Institutions (HSIs), disparities in the provision of health care to minority Medicare and Medicaid beneficiaries, and effectiveness of bilingual/bicultural demonstration grants. DHHS publishes reports on successful human service projects and best practices in addressing the needs of minority communities.

Empowerment Zones. Through a multi-departmental effort involving business, education, private foundations, and the government, programs are being implemented to address the day-to-day needs of individuals from all racial and ethnic groups such as job creation, delivery of health care services, training, mentoring, and parenting classes, and provision of surplus office property (computers, adding machines, electric typewriters, copiers) to public schools with large minority populations.

Customer Service Activities. DHHS uses the Internet, toll-free numbers, clearinghouses and resource centers to get critical information out to the public on a wide range of health topics of concern to racial and ethnic minorities including disease prevention and health promotion education, and how to access health and human service programs. A formal Special Outreach program has been established in the Office of Public Affairs to provide public health information to minority audiences through media and intermediaries who are trusted and listened to by those audiences. HCFA distributes Medicare circulars in Spanish. Information postcards were provided in Chinese, Korean and Vietnamese for the 1996 flu campaign. Many clearinghouses and hot lines have bilingual staff. DHHS has established an electronic "list serve" system for Asian and Pacific Islander alcohol and drug abuse, mental health prevention and treatment providers. DHHS will sponsor a Hispanic Customer Service conference in FY 1998.

Community Partnerships. DHHS has many activities which identify and mobilize existing resources through partnerships with community institutions. One example is the HORIZONS project--a collaborative project with HBCUs, HCFA, State health departments, and peer review organizations to encourage African-American beneficiaries to get an annual flu shot.

II. Organizational Management

Increase Diversity among Health Professional Workforce. Loans and scholarships for disadvantaged students, internships, fellowships, personnel exchanges, preceptorships, summer youth employment programs, stay-in-school programs, and Minority Access to Research Careers Programs are used to enlarge the reservoir of qualified medical, scientific, engineering, journalism, and health professionals. HCFA provides opportunities for HBCU researchers to work with HCFA staff on health services research.

Increase Diversity in the DHHS Workforce. DHHS received OMB approval for an Applicant Background Survey so that data on race, sex, age, disability, and national origin can be collected and analyzed to identify under-representation in hiring and promotion. This is increasingly important in light of the *Adarand* decision. DHHS employs a variety of creative approaches, such as FDA's applicant bank used to identify potential qualified minorities. As part of the Hispanic Agenda for Action, a "best practices portfolio" is being developed of successful recruitment, employment and internship strategies.

Increase Diversity among DHHS contractors. Contracting officials will continue to promote diversity by soliciting, negotiating, and awarding contracts in compliance with the *Federal Acquisition Regulation*. DHHS representatives attend events sponsored by minority organizations to identify and initiate networking with qualified minority firms. A guidebook on how to document costs for contracts is being prepared by the Office of the Inspector General. HCFA is developing an outreach campaign to HBCUs about HCFA's procurement policies and practices, providing information about the reorganization of HCFA, and presenting information about the capabilities of HBCUs to provide services and products typically procured. A pilot program has been instituted to provide technical assistance to a select number of 8(a) firms through a memorandum of understanding with the Small Business Administration.

Increase Cultural Sensitivity of DHHS Workforce. The Office of the Inspector General is conducting a supervisory course which covers employee relations issues, including management of diversity. The Program Support Center (PSC) provides diversity awareness training to DHHS employees. A Diversity Council is being formed within PSC to deal with diversity issues and to plan, conduct, and coordinate special activities to build awareness and sensitivity and foster attitudinal change. English as a Second Language courses are provided to DHHS employees. A critical EEO element has been incorporated by several DHHS agencies into the performance plans of managers and supervisors.

Strategy to Improve Quality of Work Life. Announced in December 1996, the new Quality of Work Life Strategy was developed in response to DHHS's concern about employee commitment and morale during a period of unprecedented change and uncertainty. One element is to strengthen diversity management practices, which will be reviewed, especially the distribution of promotions, performance ratings, awards, and training opportunities, to determine whether all

groups are being treated equitably and fairly. Causes of identified disparities will be determined and corrective actions will be part of the strategy.

Employee Mentoring Programs and Executive Development. DHHS uses creative approaches for employee development including Career Opportunities Training Agreement (COTA) positions and staff details. FDA has a Minority Executive Development Program to enhance the development of high-potential GS-14-15, female and racial and ethnic minority employees as future leaders. Other agencies such as ACF provide development opportunities through mentoring programs.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WASHINGTON, D.C. 20410-0001

MEMORANDUM FOR: Thurgood Marshall, Jr., Assistant to the President for Cabinet
Affairs

FROM: Mercedes M. Márquez, Deputy General Counsel for Civil Rights and Fair
Housing, U.S. Department of Housing and Urban Development

HUD Liaison to the President's Advisory Committee on Race

SUBJECT: HUD's "Best Practices"

Pursuant to the White House's request, the Department of Housing and Urban Development has prepared this "Best Practices" memorandum. The Department is proud to highlight its numerous innovative efforts and creative initiatives to promote opportunity, awareness, and dialogue about diversity and civil rights.

This "Best Practices" memorandum is divided into two principal sections. The first highlights those Departmental programs which affect the governmental agencies, communities, and individuals which this agency serves. The second section describes the Department's internal programs designed to educate HUD employees about the importance and benefits of diversity in the workplace. It is the Department's hope that these examples will be helpful to the White House as the President moves forward with his Race Initiative.

I. HUD IN THE COMMUNITY

• HUD Promotes Racial and Ethnic Integration:

The Department is continually developing and implementing programs to provide lower income and minority families with information and opportunities to explore housing options in communities that may be unfamiliar or perceived as inaccessible to these families.

Opening the Homeownership Market:

National Homeownership Partnership: Promoting Homeownership for All Americans

The President established the National Partners in Homeownership to move America toward an all time high homeownership rate by the end of the year 2000. The Homeownership initiative is directed by the Secretary of HUD and the partners are 61 organizations working together to increase homeownership opportunities and education/outreach efforts. Founding members of the partnership include the NAACP, the National Council of La Raza, the National American Indian Housing Council, and the National Hispanic Housing Council. In addition, to promote homeownership among women, HUD helped form the Homeownership Opportunities for Women partnership. That group includes the Vietnamese-American Service Agencies, the National Political Congress of Black Women, the National Puerto Rican Coalition, the National Council of Negro Women, the American Jewish Congress, and Black Women United For Action.

The national strategy for achieving this goal includes opening markets to racial and ethnic minorities who have not realized the American dream of homeownership. Actions to open markets and target underserved populations include: promoting fair housing by removing barriers to purchasing a home; promoting fair lending by removing barriers to capital and credit for buying, owning and maintaining a home; and increasing diversity in the homeownership delivery system by removing employment and career barriers in business and professional environments that otherwise limit the market for underserved groups facing discrimination.

FHA Focuses on Minority Homebuyers

The Federal Housing Administration initiated marketing and outreach efforts last year to Latino-Americans, African-Americans, and Asian-Americans. Homeownership rates among these minorities are relatively low compared with the national average. Outreach efforts include brochures and recordings in Spanish, homebuyer education courses targeted to specific communities, and advertisements promoting homeownership through the FHA designed to appeal to minority homebuyers.

Housing Counseling Agencies

Housing Counseling Agencies are nonprofit organizations that provide a variety of housing related counseling services to their communities. HUD provides funds to support these organizations, which provide counseling to tenants and homeowners on financial management, employment training and placement programs and the availability of community resources, including public assistance, mortgage assistance, home repair assistance, utility assistance, food programs, and social services. The Housing Counseling Program helps people make prudent and responsible use of the Department's programs by helping eligible

renters (including public housing and Section 8 participants) locate and qualify for assisted rental units, and by helping eligible homeowners prevent foreclosure or evictions. In addition, HUD encourages approved counseling agencies to conduct community outreach activities and provide counseling to individuals, such as minorities and persons with disabilities, with the objective of increasing awareness of homeownership opportunities and improving access of low and moderate income households to sources of mortgage credit. HUD believes that this activity is key to the revitalization and stabilization of low-income neighborhoods.

Integrating the Private Rental Market:

Mobility Counseling Programs:

The Department's mobility counseling programs are operating in over 40 cities nationwide and serve approximately 120,000 Section 8 families.

The Moving to Opportunity Demonstration

Moving to Opportunity for Fair Housing Demonstration (MTO) is a demonstration program authorized by the Housing and Community Development Act of 1992. The MTO demonstration is designed to explore ways to assist families now living in public housing or project-based Section 8 housing to move out of the high-poverty areas of large central cities. The demonstration assists families by combining Section 8 rental assistance with intensive housing search and counseling services and also is designed to learn whether, after finding housing in low-poverty, private rental housing, MTO families become increasingly self-sufficient compared to those who did not make such moves with counseling and support. MTO provides Section 8 rental assistance to roughly 1,300 families.

The public and subsidized housing developments from which participants are drawn must be located in neighborhoods where at least 40 percent of the population is poor, and recipients of special MTO assistance must move to neighborhoods where no more than 10 percent of the population is poor. Nonprofit organizations recruit landlords throughout the metropolitan area to accept MTO families, and these organizations provide counseling, search assistance, and support to the experimental families. The Department will track participating families over the next ten years to learn how they and the neighborhoods into which they have moved have prospered.

Regional Opportunity Counseling Demonstration

The Department has initiated a 15 site demonstration to promote regional strategies for helping Section 8 certificate and voucher recipients choose neighborhoods that offer the best housing, education, and employment opportunities. The demonstration makes use of Section 8 counseling funds to encourage public housing agencies in a local area to cooperate

to remove barriers to mobility, including the use of regional mobility counseling through a local non-profit organization. The local communities have wide discretion in the design of their program and five years to establish new ways to offer better, more diverse communities to their Section 8 recipients. HUD is also providing technical assistance to the demonstration areas.

Vacancy Consolidation Program

The VCP was designed to allow for better and more cost-effective management, maintenance, and security at a housing authority by reducing the number of partially occupied, obsolete buildings and by moving remaining residents to more fully occupied buildings and portions of sites that then can receive improved management, maintenance and security. These sites are often located in neighborhoods that afford the relocated families more opportunities for housing, education and jobs.

HOPE VI

The HOPE VI program is transforming public housing communities across the nation. One important aspect of this transformation is reducing the concentration of low-income persons in the inner cities. HOPE VI applications submitted for the annual competition are evaluated based on the provider's ability to accomplish this goal. HOPE VI achieves diversity both in housing and in the workplace by: promoting and encouraging the creation of mixed-income communities where public housing once stood; encouraging housing authorities to allow residents choice in housing; and facilitating the creation of additional minority and women businesses. HOPE VI encourages economic development activities both to create jobs and to train public housing residents in saleable skills. For instance, major corporations across the country are teaming up with housing agencies and cities for the creation of jobs and job-training. Marriott, UPS, McDonalds, and Nationsbank have partnered with cities to train low-income people and assist with job searches or provide jobs.

• *HUD Promotes Dialogue:*

It is the Department's view that recipients of HUD funding should ensure that dialogue occur on the issues of diversity and civil rights, and as such, HUD requires that recipients certify that they have reached out to the community and have obtained their participation in the community planning and decision making process. The community plan is a comprehensive road map for addressing community needs. The hallmark of a good planning effort is a sound citizen participation process that includes numerous and diverse participants, particularly those hard-to-reach populations often excluded from the political and planning arena - low-income persons, minorities, homeless people, and disabled individuals. The process also should include the input of political and governmental leadership, community groups, health and social service groups, environmental groups, religious

organizations, the private and non-profit sectors, centers of learning and other community institutions. The residents, themselves, however are the most important element of revitalization. The community governance structures that emerge as a result of the planning process are tremendously varied in structure and operation, but all must reflect and promote diversity. Among the programs that require significant community participation include:

Consolidated Planning Process

HUD requires communities to submit a Consolidated Plan ("Con Plan" or "Plan") for four of HUD's formula programs (Community Development Block Grant, Home Investment Partnership Program, Emergency Shelter Grant, and Housing Opportunities for Persons With AIDS Program).

Continuum of Care Planning

Communities must develop a Continuum of Care plan to obtain funding under the Homelessness Assistance competition.

Empowerment Zones

The Empowerment Zone/Enterprise Communities must develop a Strategic Planning Process.

Community Development Block Grant Funds

Communities can use CDBG funds to promote fair housing. The CDBG rules specifically authorize the provision of fair housing services, including outreach and other activities intended to prevent undue concentrations of assisted persons in areas containing high proportions of low and moderate income persons. CDBG assistance and Section 108 Loan Guarantee assistance also have been used to create jobs for low- and moderate-income persons, including a high number of minority individuals. Such development programs encourage economic self-sufficiency and increase mobility and freedom of choice.

Fair Housing Initiatives Program (FHIP)

The FHIP funds a variety of public and private efforts to eradicate housing discrimination. Agencies eligible for FHIP funds include State and local governments, public and private non-profit organizations, housing industry groups, and civil and human rights organizations. FHIP funded organizations implement fair housing testing programs,

investigate systemic housing discrimination, litigate and settle complaints of discrimination, provide technical assistance to the public on housing discrimination and provide assistance to architects and builders to promote compliance with the Fair Housing Act's accessibility guidelines.

In response to a pervasive NIMBY (Not in My Backyard) attitude in many communities where voucher and certificate holders are attempting to use their subsidies, the Department is funding through the FHIP FY 97 the grassroots efforts of local fair housing organizations, community groups, and local governmental agencies to resolve community tensions that arise as people expand their housing choices.

Federal Interagency Task Force on St. Petersburg

The Department is a member, and Secretary Cuomo serves as the chair, of President Clinton's Federal Interagency Task Force on St. Petersburg. The Task Force was formed to address issues which led to two civil disturbances in St. Petersburg, Florida last fall. In conjunction with eight federal agencies, the Department developed and the White House approved an action plan designed to identify and maximize the impact of available federal resources to assist the citizens of St. Petersburg in their quest for solutions to the problems that plague the community. There are several Task Force programs directed toward improving community relations, amongst them, a citizen's advisory commission that ensures community participation in federal, state and local resource allocation.

● *Government and Private Industry Partnerships and Agreements:*

The Department has negotiated Voluntary Agreements with national and local housing industry and mortgage lending industry organizations. These agreements promote not only compliance with the basic requirements of the law, but also the development of affirmative programs designed to prevent or eliminate discrimination and promote housing choice. The Department has executed Voluntary Marketing Agreements with the National Association of Real Estate Brokers, the National Association of Realtors, the National Association of Home Builders, the Association of Real Estate License Law Officials, and local apartment associations. It also has entered into Fair Lending - "Best Practices" Agreements with mortgage companies and banks across the nation.

Together, the Department and industry organizations have held meetings with local homebuilders, realtors, realists, and fair housing organizations to discuss and develop effective fair housing strategies in individual communities. The need for educational training for the real estate professional and diversity in the real estate profession are two issues that the partners have identified as warranting further discussion and attention.

HUD is also working with the California-based Fair Housing Advertising Task Force

which produced a 15-minute video entitled "Sharing the American Dream" which promotes non-discrimination in housing advertisements. The Task Force is a public-private partnership consisting of HUD, the State of California, the Los Angeles Times, the Orange County Register, the Daily News, Building Industry Associations of Southern California, leading development companies, leading advertising agencies, and private fair housing groups. Given the positive response to the video, the Task Force plans to embark on a national marketing and distribution plan.

● *Training and Education on Diversity and Race Issues:*

The Department also provides information and educational forums for community groups and governmental entities about diversity and civil rights issues. These opportunities for dialogue also help inform the Department about the specific issues facing individual communities.

National Fair Housing Month

The month of April is historically recognized as Fair Housing Month to commemorate the enactment of Title VIII of the Civil Rights Act of 1968. Fair Housing Month has been an important part of the Department's strategy to promote fair housing. HUD has used the occasion to conduct a variety of commemoration activities, special education initiatives and outreach events to inform the public of their rights and responsibilities under the Fair Housing Act.

The Home Mortgage Disclosure Act Democratizing Data Project

In conjunction with an Administration-wide effort to ensure that the Community Reinvestment Act expands the availability of mortgage credit for minority, low- and moderate-income communities, HUD has made it possible for the general public to have complete access to Home Mortgage Disclosure Act data.

The Department of Housing and Urban Development, in partnership with private foundations, created the Democratizing Data initiative to make Home Mortgage Disclosure Act (HMDA) available on the Internet and World Wide Web. This project specifically targets advocacy, civil rights, lenders, fair housing and other community organizations and individuals. While individuals and community groups often lack technical and analytical capabilities, Democratizing Data helps them overcome these shortcomings by providing training and technical assistance to make HMDA data accessible and usable by them.

Included in the information offered to the public is information from Government Sponsored Entities, Fannie Mae and Freddie Mac, that indicates their role in assisting low

and moderate income borrowers in local communities.

Seminars and Workshops

The Department provided national technical assistance in the form of HOPWA funds at the Second National HIV/AIDS Housing Conference held in 1996. The Conference drew more than 900 participants. Sessions covered topics, such as: Families - Women & Children; Culturally-Specific AIDS Housing; Transgender Clients; Housing and Service Models for MICA Populations; and Fair Housing, Civil Rights and Reasonable Accommodation.

Neighborhood Networks: Learning Through Access

HUD's Neighborhood Networks initiative encourages private owners to build computer learning centers in government-assisted multifamily housing. Many of these private developments include large minority communities. HUD helps owners form partnerships with residents, local businesses, nonprofit organizations, and education institutions. These partners work together to find the equipment and space needed to build a Neighborhood Networks center. More important, the partners bring members of the community together to help low-income residents learn computer skills and access employment opportunities.

Ad Hoc HOPWA Advisory Group

To provide the Secretary with input regarding the needs of persons with AIDS, the Department formed an ad hoc committee of persons living with AIDS who live in housing funded through the HOPWA program and providers of services to persons with AIDS. It was designed to reflect the diversity of populations affected by the disease. The on-going dialogue has helped advance understanding of AIDS within HUD and has resulted in improvements in program policies and management.

Departmental Studies

The Department has undertaken a Successful Lending Strategies case study to identify mortgage lending practices and marketing strategies that lenders have used to attract minority homebuyers and avert discrimination in mortgage lending. The study will provide the Department with useful information about specific marketing strategies, and other "best practices" that are used by mortgage lenders to facilitate or increase minority participation. The study will be completed in Fall 1997.

- ***Supporting Higher Education***

Historically Black Colleges and Universities Program

In FY 1995, in an effort to create jobs and improve the quality of urban life through partnerships with community-based organizations, HUD prepared a Memorandum of Understanding ("MOU") between HUD and SEEDCO (a Structured Economic Development Corporation and nonprofit organization active in employment training and economic development). The MOU evidenced the intention of HUD and SEEDCO to assist approximately ten Historically Black Colleges and Universities to form and operate Community Development Corporations in cooperation with their surrounding communities. HUD agreed to conduct a competition to provide up to \$2.5 million in HBCU Special Purpose grant funds to recipient HBCUs, which would be augmented by \$1 million in direct loans provided by SEEDCO.

Hispanic-serving Institutions Work Study Program

HUD's Hispanic-serving Institutions Work Study Program has recently provided \$1.5 million to twelve colleges and universities to assist minority students with the costs of their education. Students' work study activities can include working with an area-wide planning organization, non-profit organization, Indian tribe, or local government. The program will operate through 1998.

II. HUD AND ITS EMPLOYEES

- ***HUD Employee Programs:***

HUD's Office of Administration and the Office of Departmental Equal Employment Opportunity offer employees a wide range of courses, workshops and seminars, many of which expose employees to different cultures, languages and lifestyles.

Valuing the HUD Employee

During the past two years the primary vehicle for integrating the Equal Employment Opportunity, Affirmative Employment and Diversity (EEO/AE/Diversity) policies of the Department into its daily operations has been through the innovative program called "Valuing

the HUD Employee." "Valuing the HUD Employee," a comprehensive two-day training, teaches employees how to create a F.A.I.R. work environment. A F.A.I.R. environment is one in which each manager, supervisor and staff person has a stake in an organizational environment which promotes Feedback, Assistance, Inclusion, and Respect. The approach is designed to recognize the diversity of HUD staff and customers and aims to provide skills to improve cross-cultural communication. The Department is currently investigating the feasibility of extending the F.A.I.R. principles to its relationship with HUD internal and external clients.

HUD Training Academy

The HUD Training Academy also offers employees an extensive curriculum. The following list of Training Academy courses illustrates the Department's commitment to diversity:

Sexual Orientation in the Federal Workplace

Basic, Intermediate, and Advanced Spanish Language Courses

Teambuilding/Diversity Training

The Office of Fair Housing and Equal Opportunity Builds Strong Communities: This training provides information to HUD field staff on new program initiatives, approaches, and civil rights obligations in HUD programs.

The Academy has also formed partnerships with several universities nationwide to offer employees a curricula which focuses on civil rights and fair housing. These partnerships include: Community First Leadership Program, Housing and Community Development Program, and the Professional Development Institute for HUD Assistants.

The Department, as a whole, also actively recruits applicants from diverse backgrounds for all hiring, contracting, and promotional opportunities. All personnel decisions, however, are made on the basis of merit.

DRAFT

**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

Subject: White House Racial Harmony Report

Date: July 18, 1997

**From: Jerry L. Malone
Deputy Chief of Staff**

**Reply to
Attn. of:**

**To: Thurgood Marshall, Jr.
White House Cabinet Affairs**

The following information is being provided in response to your request for a report on practices, programs and initiatives at the U.S. Department of Transportation to create and maintain a healthy social and work climate among our employees, customers and stakeholders to advance racial harmony in the nation.

DRAFT

2

INTRODUCTION

As we fast approach the 21st century, DOT is working to ensure that our work force increasingly reflects the makeup of our diverse population and the contributions of all members of society toward our national goals. Educational opportunities and new technologies are opening job opportunities for all Americans. More than half the work force now consists of minorities, women and recent immigrants, and the trend is expected to continue.

DOT acknowledges the importance of managing, understanding, and valuing diversity to include differences and similarities in values, cultures and the perspectives that individuals belonging to different groups. Effective management of diversity creates an environment that works for all employees and which empowers and enables every member of the work force to perform to his/her potential. These are fundamental in achieving racial harmony among our employees, customers and stakeholders.

Four years ago, the Department of Transportation (DOT) started a comprehensive process to examine and change the culture of the organization. This approach was unique because it did not use the traditional approaches for addressing organizational issues and managing diversity. We define diversity, as "the differences and similarities present in any group of people." The issue for us encompasses more than the differences in race, national origin, disabilities, sexual orientation and gender--although these are the categories most commonly measured. DOT goes beyond this--to include the different values, cultures and perspectives that individuals belonging to different groups possess. It extends to age, personal and corporate background, education function, and personality. It includes lifestyles, geographic origin, tenure with the organization, exempt/non-exempt status, etc.

DOT has developed concepts and strategies that strategically align managing diversity with the mission of the organization. These strategies allow us to move from the traditional role of managing diversity as a "social, moral, nice to do" issue, to its proper position as a tool and process for achieving a high performance workplace. We first ask the question--what does it take to have a high performing organization, and secondly, what do we need to do as an organization to get us there.

This issues goes directly to the issue of racial harmony, because it does not pit one group against another. Managing diversity is not about white males managing minorities and women. It is about a manager empowering whomever is in his or her workforce to achieve maximum levels of productivity and commitment.

DRAFT

3

AFFIRMATIVE ACTION EMPLOYMENT AND RECRUITMENT

Federal regulation at 29 CFR 1608.4 identifies the elements to be contained in affirmative employment plans and programs.

In 1993 through 1996, the percent of minority employees in DOT increased from 18.7% to 19.7%. The percent of women in DOT increased from 26.4% to 26.9%. In the same time period, the percent of minorities in DOT's Senior Executive Service (SES) rose from 9.4% to 15%, and the percent of women in DOT's Senior Executive Service rose from 13.8% to 21.3%.

Particularly, since April 1993, the Federal Highway Administration (FHWA) has made an unprecedented 51 SES selections which represented the greatest transition period FHWA has experienced. Minority/female SES representation increased from 19.4% nearly four years ago to 44.8% today! This includes: 11 (18.9%) minority men; 3 (5.2%) minority women; and 12 (20.7%) non-minority women out of a total of 58 SES executives.

Accomplishments in Increasing the Representation of Minorities and Women in the DOT Workforce Compared to Other DOT Groups

- Over the past four years, the Department has made significant progress in improving the diversity of the representation of minorities and women in the DOT Workforce. Specifically, since January 1993, 24 percent of the total senior executive selections included minority candidates and 25 percent of these selections were female candidates.

Further, statistics show a marked improvement in the employment of minorities and women at other grade levels as depicted below:

- Females in grades 12/13 increased 18.3% compared to all DOT persons in grades 12/13 increase of only 4.9%
- Females in grades 14/15 increase 22.6% compared to all DOT persons in grades 14/15 increase of only 3%
- Minorities in grades 12/13 increased 16.7% compared to all DOT persons in grades 12/13 increase of only 4.9%
- Minorities in grades 14/15 increased 14.3% compared to all DOT persons in grades 14/15 increase of only 3%

DRAFT

4

Some of the practices at DOT that have contributed to these achievements are:

- DOT has just recently developed a "Broad Spectrum Recruitment" initiative which will ensure that applicant pools for executive and senior positions include qualified women, minorities, and disabled candidates through high-yield recruitment efforts which access a broad spectrum of sources.
- DOT has developed a DOT Human Resources WEB-Site leveling the playing field for easy access to information for all individuals. The public in general can find information about employment opportunities along with instructions on how to apply for jobs. This site also provides easy access to demographic information on the DOT workforce. In the past, various interest groups had to submit correspondence to DOT requesting such information, a step which can be eliminated through the use of the new web-site.
- DOT has several internal career development programs that assist in addressing the glass ceiling issues that adversely affect underrepresented EEO groups.
- The Federal Aviation Administration (FAA) Flight Standards Service revised the Inspector qualifications standards to facilitate the recruitment and professional growth and development of women and minorities but hiring, promotion and firing is based on merit.
- FAA also plans to implement a national Flight Standards Co-op Program for Aviation Safety Inspectors upon appropriate approval from the Office of Personnel Management.
- FHWA instituted a Professional Development Program for clerical, secretarial and office management staff and short-term details or rotational assignments to enhance and broaden job experience for minorities and women to enhance promotional opportunities.
- FHWA uses student intern and grant programs, such as the Summer Transportation Intern Program to improve employment and educational opportunities for targeted EEO groups.
- The Federal Railroad Administration (FRA) developed an action plan to expand and intensify recruitment of underrepresented groups, i.e. Asian/Pacific Islander and Native American females for Railroad Safety

DRAFT

5

Inspector vacancies.

- The National Highway Traffic and Safety Administration (NHTSA) has developed a comprehensive plan for the prevention of sexual harassment.
- The Research and Special Projects Administration (RSPA) increased participation at job fairs geared to specific groups.

RSPA developed a Supervisor/Manager Report Card. This report card is used with the annual performance appraisal process to evaluate and improve the accountability of RSPA's supervisors and managers for activities and results on their diversity accomplishments in accordance with reported recruiting, promotions, awards training and developmental assignments referenced in RSPA's Workforce Diversity Action Plan.

In 1994 RSPA developed a comprehensive, results-based action plan for managing diversity, the "Workforce Diversity Action Plan." The goals of the plan are to increase diversity in RSPA's applicant pool by expanding outreach efforts and to reduce under-representation of minorities in promotions, development, and retention. The plan focuses on three primary areas: 1) promoting diversity for entry-level hires, especially in technical occupations; 2) increasing and ensuring diversity in selections for training and development opportunities for mid-level staff; and 3) increasing diversity in senior level positions including the Senior Executive Service (SES).

- The FAA has pledged to create a more productive and hospitable work force that mirrors the Nation's diversity. To that end, FAA has developed the "FAA Model Work Environment" brochure and "FAA Model Work Environment Action Plan for Managers and Supervisors" Implementing the FAA's Model Work Environment Plan is a primary objective for FY 1997. The Civil Rights Office has begun working on specific milestones as announced in its FY 1997 Business Performance Plan to help accomplish some of the national actions that are identified in the Model Work Environment Plan.
- Departmental Federal Women's Program (FWP) and the Operating Administrations' FWP representatives meet monthly to discuss employment barriers, equal pay issues, sexual harassment and sex based discrimination, career development, "glass ceiling/sticky floor" concerns and mentoring and training resources.
- During FY 1996 there was increased participation by Personnel and

DRAFT

6

selecting officials at job fairs of underrepresented groups. Announcements were also sent to similar organizations. This action generated a more diverse pool of candidates.

HERITAGE AND SPECIAL EMPHASIS CELEBRATIONS

- The Secretary, senior administrators, and staff sponsor several events during various heritage celebrations (i.e. Black History, Hispanic, Native-American and Asian American) to recognize their achievements and contributions to transportation and the nation, often held in the Department's courtyard. Partnership schools and senior citizens groups are also invited to attend.

The Secretary issued proclamations for several of these events. Senior officials are often speakers.

OPPORTUNITIES FOR DIALOGUE AMONG THE RACES

DOT efforts to manage diversity involves five key steps:

The first and most critical step is the advocacy, awareness stage. Employees and managers must clearly understand not only the definitions, but the goal DOT is striving towards. For this reason, DOT has established a Diversity Advocate in the Office of the Secretary who serves in an advocacy role to conduct awareness sessions and consult with managers throughout the Department on "Managing Diversity." To date, diversity sessions has been conducted with over 15,000 DOT employees and 3,000 Federal Government employees explaining the concepts and the process that will be used to identify organizational issues. These sessions have had such a tremendous impact on organizations that many managers and employees have stepped forward to initiate the comprehensive review of examining the roots of their organization's culture. The Diversity Advocate serves in a consultative capacity with these organizations.

The second phase includes defining the future state of DOT. This involves not only determining the future strategic mission of the organization, but also requires identifying the organizational work environment that will allow each employee to be productive. It is during this stage that current organizational values and their role in the future corporate culture are challenged.

The diagnostic process begins at the next stage with emphasis on examining the current practices and systems of the agency to determine if they are

DRAFT

7

promoting or hindering the agency's efforts to more effectively manage diversity. This segment is most intensive and can involve various focus groups with employees, the use of survey documents and other methods to assess the core or roots of the culture.

Last, but most important, is the process of defining interventions that address the areas of concern raised during the diagnostic stage. Once we know what the real issues that need to be addressed, interventions that may take the form of small or large scale system changes must be implemented and evaluated to ensure they have addressed the issue.

This process is novel in that it does not make assumptions about the issues that need to be addressed and, therefore, what questions need to be asked, the path most organizational assessment tend to follow. Rather it uses employee focus groups throughout the process to both define the issues that should be addressed and to validate any information collected on possible problem areas to ensure that PROCESS

This process involves five key steps:

The first and most critical step is the advocacy, awareness stage. Employees and managers must clearly understand not only the definitions, but the goal DOT is striving towards. For this reason, DOT has established a Diversity Advocate in the Office of the Secretary who serves in an advocacy role to conduct awareness sessions and consult with managers throughout the Department on "Managing Diversity." To date, diversity sessions has been conducted with over 15,000 DOT employees and 3,000 Federal Government employees explaining the concepts and the process that will be used to identify organizational issues. These sessions have had such a tremendous impact on organizations that many managers and employees have stepped forward to initiate the comprehensive review of examining the roots of their organization's culture. The Diversity Advocate serves in a consultative capacity with these organizations.

The second phase includes defining the future state of DOT. This involves not only determining the future strategic mission of the organization, but also requires identifying the organizational work environment that will allow each employee to be productive. It is during this stage that current organizational values and their role in the future corporate culture are challenged.

The diagnostic process begins at the next stage with emphasis on examining the current practices and systems of the agency to determine if they are promoting or hindering the agency's efforts to more effectively manage diversity.

DRAFT

8

This segment is most intensive and can involve various focus groups with employees, the use of survey documents and other methods to assess the core or roots of the culture.

Last, but most important, is the process of defining interventions that address the areas of concern raised during the diagnostic stage. Once we know what the real issues that need to be addressed, interventions that may take the form of small or large scale system changes must be implemented and evaluated to ensure they have addressed the issue.

This process is novel in that it does not make assumptions about the issues that need to be addressed and, therefore, what questions need to be asked, the path most organizational assessment tend to follow. Rather it uses employee focus groups throughout the process to both define the issues that should be addressed and to validate any information collected on possible problem areas to ensure that changes implemented address specific concerns.

Further, DOT is proactively engaged in many endeavors which help create the foundation and opportunity for dialogue among our customers and stakeholders. For example, through jobs, both inside and outside the Department, and through educational experiences, we help bring Native Americans, African-Americans, Hispanics, and other groups into the transportation mainstream. For example, the Eisenhower Fellowship Program brings diverse young scholars into the Department. Here, dialog can take place on an equal footing.

We believe strongly that the most fruitful dialogue consists of listening. To that end, Secretary Slater has scheduled a number of listening sessions designed to elicit the thoughts of the Department's stakeholders and customers. We also sponsor more formal conferences, for example, on environmental justice. Many of our programs emphasize outreach to minority populations, help create programs and opportunities where none have existed before, and assist existing programs through our funding and support.

- DOT is working to strengthen the linkages between transit facilities and the communities that they serve. FTA's "Livable Communities" initiative has emphasized policies and demonstration projects to incorporate child-care, shopping, skills training and other family-friendly facilities into transit hubs such as rail stations and park-and-ride facilities. FTA, with the Office of the Secretary (OST) and FHWA, have initiated a DOT-wide effort to promote livable communities within empowerment zones (EZ) and enterprise communities (EC). In 1996, five demonstration sites were selected and a series of regional meeting were held among the

DRAFT

9

community residents.

- DOT helped fund the early years of the Intertribal Transportation Association, which represents about 250 tribes. DOT has worked closely with this tribal advocacy group to advance self-governance. FHWA administers an \$191 million Indian Reservation Road (IRR) Program which channels DOT funds through the Bureau of Indian Affairs to the Tribes. The President's NEXTEA proposal includes increasing funding for the IRR program from \$191 million to \$200 million.
- FHWA conducted an Indian Issues Conference to clarify FHWA's role in addressing American Indian issues throughout the planning, project development, and construction processes. In FHWA Headquarters, an American Indian Issues Coordinating Committee was established to create a mutually beneficial relationship between the FHWA and Tribal Governments and to increase the level of awareness and commitment to ensure that FHWA programs provide the intended benefits to and adequately consider the concerns of Tribal Governments and members.
- Internet access and numerous public forums have been arranged and supported for the general public (not only customers and stakeholders) to have full opportunity to discuss and comment on DOT's May 30, 1997, proposed revised regulations for managing the Disadvantaged Business Enterprise Program (DBE) for minorities and women.
- In March, 1995 and July, 1997, FHWA and DOT's Office of Small and Disadvantaged Business Utilization (OSDBU), respectively, held public forums on its DBE Program to facilitate discussion among stakeholders, customers and practitioners to evaluate and improve administration while complying with the Adarand Court decision. Minority males and white females were particularly present in these discussions.
- The Department's Environmental Justice Order was signed by the Secretary on February 3, 1997 and published in the Federal Register on April 5, 1997. The Department's initiative is to ensure that minority and low income populations have the opportunity to participate in transportation planning and project development; to identify potential disproportionate adverse effects on minority and low income populations early; and to reduce, avoid, and eliminate adverse environmental effects of DOT projects and programs on minority and low income populations. DOT's EJ Order put a strong emphasis on Title VI (of the Civil Rights Act of 1964) concepts, prohibiting discrimination on the basis of race, color, and national origin. By covering Title VI concepts with such depth and

DRAFT

10

analysis, DOT is probably the lead agency in the Government in EJ.

- DOT will participate with EPA and HUD to develop a National Action Agenda for the Brownfields Initiative to include public discussions as part of the Administration's signature urban policy program. The Brownfields Initiative will expand an existing 75 city pilot program into a \$700 million, four-year effort to cleanup and redevelop contaminated urban sites in 300 cities. Many of the residents of brownfields are minority. OST and OA staff have developed a strategic plan that has been provided to EPA as part of the National Brownfields Action agenda.

DIVERSITY AND AFFIRMATIVE ACTION IN FEDERAL AND FEDERALLY-ASSISTED PROCUREMENTS.

EO 12928 "Promoting Procurement with Small Business Owned and Controlled by Socially and Economically Disadvantaged Individuals, Historical Black Colleges and Universities and Minority Institutions"; Public Law 102-240 the Intermodal Surface Transportation Efficiency Act of 1991 and 42 U.S.C. 200 e (Civil Rights Act of 1964) provide authority for some of the activities in this section. A large number of other executive orders and statutes with applicability to DOT include nondiscrimination provisions.

- The Administration's NEXTEA (National Economic Crossroads Transportation Efficiency Act) proposal contains a variety of measures designed to help assure equal opportunity. For example, reauthorization of DOT's Disadvantaged Business Enterprise (DBE) program, employment opportunities for welfare recipients and those who live in Empowerment Zones and Enterprise Communities, and assistance to minority-serving higher education institutions.
- DOT administers programs (i.e. New Jersey Regional Alliance for Small Contractors) designed to expand the capacity of disadvantaged business enterprises interested in bidding on transportation related projects in New Jersey/New York area.
- NEXTEA includes a six-year, \$600 million competitive grant program to support new flexible, innovative transportation services to connect welfare recipients with jobs. This Access to Jobs proposal will help move families from welfare to work in those areas with the worst employment transportation problems.

MINORITY-SERVING HIGHER EDUCATION INSTITUTIONS



The Secretary of Energy
Washington, DC 20585

July 18, 1997

INFORMATION

MEMORANDUM FOR THURGOOD MARSHALL, JR.
ASSISTANT TO THE PRESIDENT AND CABINET SECRETARY

FROM: FEDERICO F. PEÑA 
SUBJECT: Initial Report on Agency Race and Diversity Initiatives

I. SUMMARY

In response to the recent request for a review of agency "best practices" relating to race and diversity, I am pleased to submit the attached initial report from the Department of Energy.

II. DISCUSSION

In support of the President's Initiative on Race, the Department of Energy has compiled its initial report on "best practices" related to race and diversity. I am committed to supporting the President's efforts to advance a national dialogue on this critical issue, as well as to providing assistance to the President's Advisory Board on Race. Accordingly, we will continue to compile additional relevant information on our programmatic efforts and to respond to your future guidance.

Attachment

*I have a vision and you are a part of it.
I believe tomorrow will be better than today...
We are all a part of the same community....*

*Governor Bill Clinton
May 18, 1992*

**U.S. Department of Energy
An Initial Report on Race and Diversity Initiatives**

Introduction

Since 1993, the Department of Energy (DOE or Department) has worked to achieve necessary, fundamental changes in its mission and cultural values. DOE has worked to achieve greater openness as a basis for building greater trust on the part of the American people. Disclosures of human radiation experiments and declassification of millions of pages of previously classified documents are but two notable examples.

In particular, DOE has emphasized the importance of diversity as a core value. Diversity has encompassed all differences in individuals and groups well beyond race and gender, and has reflected inclusiveness for employees, contractors, suppliers and customers. Indeed, DOE has established three priorities for its management and operating contractors in achieving their mission responsibilities: environmental health and safety, cost control and diversity.

In 1994, the Department held its first diversity conference where DOE's management team and chief executive officers of Fortune 500 companies heard directly from employees, customers, and stakeholders about the contributions an aggressive diversity strategy could make to achieving the DOE's mission. The Department worked to develop organizational visions and outcome-driven strategies designed to deliver results.

These efforts culminated in DOE's creation and implementation of its first Diversity Strategic Plan for 20,000 federal and 150,000 contractor employees. The Plan has been recognized as a model for other Federal agencies seeking to leverage diversity as a strategic and competitive business objective for the future.

The Department's Diversity Strategic Plan established five goals for expanded partnerships on behalf of the American people with:

- communities
- minority educational institutions
- small, minority and women-owned businesses
- employees, and the
- international community.

The Strategic Plan for Diversity has served as a guide for integrating diversity into all our business decisions. The Department has continued to support valued programs, such as those with Historically Black Colleges and Universities (HBCU's), that have been successful engines for minority educational institutional development in the United States. However, In the last few years, the Department has undertaken significant efforts to broaden its outreach to other under represented minority populations, in particular Native Americans and the nation's growing Hispanic community.

DOE's Hispanic Outreach Initiative, issued in June 1996, is one recent example. It establishes measurable goals for improvements by the Department with respect to Hispanic educational funding, small and disadvantaged business opportunities, and employment over a five year period. This initiative will be implemented in phases to "grow" diversity efforts without detracting from previous commitments. In designing an approach for Hispanic educational funding that matched the challenges facing the Hispanic community, DOE has given greater emphasis to K-12 educational partnerships to address the challenges of keeping "at risk" minority students in the "educational pipeline."

Ensuring equity requires more than funding, however. It also requires that DOE act in a culturally sensitive manner. On May 21, 1997, the Secretary Peña reaffirmed the Department's American Indian Policy committing the Department to meeting its responsibilities in Indian country and dealing with tribal governments on a government-to-government basis. Moreover, this policy has been implemented through partnerships with Tribal governments affected by DOE activities, such as multi-year agreements between the Environmental Management program and 11 tribes living near DOE's major cleanup sites.

The following sections outline DOE efforts to improve race relations and diversity by embracing new cultural values, by ensuring that our mission-related programs further our diversity goals, and by providing new opportunities in the future for greater collaboration among all Americans. DOE looks forward to working with the Race Initiative Task Force to address an issue critical to the realization of America's future.

Embracing Diversity as a Core Value

Diversity policy statements emphasizing the Department's commitment to value the contributions of all employees without regard to race, ethnicity, gender or sexual orientation were issued initially on June 20, 1994, and most recently on July 8, 1997, by Secretary Federico Peña. These policy statements were recently codified in Title 48 of the Code of Federal Regulations to underscore the Department's desire to institutionalize the policy.

To support the institutionalization of diversity and related policies, the Department established a cross-cutting Office of Economic Impact and Diversity. This office initiated the multi-racial stakeholder outreach needed to develop the Department's Strategic Plan on Diversity and

continues to sponsor annual diversity conferences around the country at DOE sites.

The fact that the Department has incorporated diversity as a core value is reflected in all of the Department's corporate documents, including its Strategic Plan and each of the Secretary's Performance Agreements with the President. The importance of leaders that reflect the face of America is recognized and African-Americans, Hispanic Americans, Asian Americans, Native Americans and women are seen in visible leadership roles at DOE.

Protecting past diversity gains has been a key consideration in the Department's decision making on our Strategic Alignment Initiative. This initiative is intended to save the American taxpayers \$14.1 billion over five years, in part through the reduction of DOE's federal and contractor workforce from a total of 170,000 employees to approximately 100,000 employees (federal and contractor) by the end of Fiscal Year 2000. DOE is proud that despite significant staffing reductions to date, the Department's pre-existing levels of diversity have not suffered. But continued success in this area is problematic as the Department faces further downsizing through involuntary separations.

DOE leadership has worked to ensure that senior managers are accountable for performance in recruiting, hiring and retaining minority employees. Every Senior Executive of the Department is required to have performance evaluation criteria related to diversity accomplishments, which mirrors the performance measures in place for all Secretarial Officers.

DOE field offices have often led the way in designing innovative strategies for increasing their diversity accomplishments. For example, DOE's Albuquerque Operations Office has procedures in place that require a diversity officer to participate in all employee rating panels and for each selecting official to describe his or her efforts to improve diversity in each hiring decision. But, there have also been areas where DOE field employees have resisted actions intended to improve the Department's diversity record, such as the chartering of the Department's Gay, Lesbian or Bisexual Employees as a recognized employee organization, for reasons that some employees perceive to be legitimate. Clearly, there is more to be done in the area of diversity education and training to achieve an atmosphere that celebrates the contributions of all DOE employees without regard to race, ethnicity, gender or sexual orientation. Fully realizing our diversity and race goals will require continued patience, leadership, imagination and hard work.

DOE Mission Efforts on Race and Diversity

(1) PARTNERSHIPS WITH THE COMMUNITY

- *Local Community Assistance Initiatives:* One of the Department's major challenges has been to achieve necessary post-Cold War workforce reductions, in partnership with surrounding communities. Since 1993, the Department has reduced the size of its contractor workforce from nearly 150,000 to approximately 105,000. This has had major

impacts on surrounding communities, and in some cases has had a disproportionate impact on minority communities. Among the Department's responses are the following:

- Provided \$160 million in funding to support local communities affected by restructuring since 1993.

- Worked with community reuse organizations to assist in minimizing social and economic impacts resulting from restructuring activities. In addition, DOE contractors have assisted terminated employees in obtaining retraining, education and reemployment assistance (including employment placement assistance). For example, the community reuse organization in the Tri-Cities area of Washington State has used DOE funding to work with the Columbia Basin Minority Economic Development Association to promote business development and contracting opportunities for women and minority-owned businesses. The Association has held workshops and one-on-one consultations to more than 200 clients, 63 percent of whom are women and 42 percent of whom are minority.

- *Los Alamos National Laboratory Regional Economic Development Initiatives:* In response to reports that involuntary reductions in force at the Lab were having a disproportionate impact on Hispanic and Native American employees, then Secretary O'Leary dispatched a high-level delegation to review the situation and began to work with the Lab to develop a strategic plan reflective of the needs of northern New Mexico. As a result, the Department has:

- Established a Regional Development Corporation of local business and community leaders to recommend economic development projects that should be funded out of \$10 million earmarked for northern New Mexico. For example, \$300,000 has been provided to the City of Española, NM--which has a large Latino and Native American population and was directly affected by layoffs at Los Alamos--to support economic diversification. Under a cooperative agreement with DOE, the City has built an industrial park business incubator facility.

- The Lab's new strategic plan has explicitly established institutional development goals related to regional economic development (i.e., "productivity and strategic business development," "embrace diversity," and "corporate citizenship"). A new Lab contractor, Fluor-Daniel, Inc., advanced rents to the City of Española that enabled completion of its business incubator facility--a successful private-sector partnership in support of a racially and ethnically diverse community.

- *Environmental Justice/Cleanup Risk Management:* During World War II and the Cold War, the United States developed a massive industrial complex to research, produce and test nuclear weapons. The Department is responsible for the stabilization, safeguarding and disposition of approximately one-half million cubic meters of radioactive high-level,

mixed, and low-level waste, including a quantity of plutonium sufficient to fabricate thousands of nuclear weapons. The Department's Environmental Management program is the largest environmental stewardship programs in the world, with 150 sites in over 30 States and Puerto Rico. Many of the populations affected by land use decisions at these sites are socially and economically disadvantaged.

Given the importance of this critical effort to the socially and economically disadvantaged communities and individuals, the Department has promoted more open, informed and broad-based citizen involvement in the process of deciding priorities for the Department's cleanup program. To date, 13 site-specific citizen advisory boards have been established around the country to provide advice to the Department, which has been a critical component for ensuring that decisions on cleanup priorities are based not only on scientific judgments, but also local community interests and values. Over the past two years, externally developed survey data have reflected increasing satisfaction with the Department's cleanup efforts and have demonstrated that the boards are succeeding in their mission to provide meaningful public involvement in the DOE's environmental management decisions, as well as improving relationships with DOE regulators and key stakeholders.

- *Improved Race Communications:* The Department has also worked to ensure that its outreach efforts were more culturally and linguistically sensitive to enhance the involvement of minority populations. These efforts have included Spanish language public service announcements, better coordination with tribal governments to better understand cleanup implications for Native Americans, and development of non-English publications for use wherever appropriate.
- *Welfare to Work Program:* The Department has developed a national program on welfare to work as part of which DOE will hire 55 former welfare recipients as federal employees by the end of Fiscal Year 1998. Secretary Peña has taken a visible leadership role in this effort, meeting with the Chief Executive Officer's of DOE's major contractors to gain their support for the President's Welfare-to-Work Program. As a consequence, DOE contractors have now pledged their commitment to be responsible corporate citizens and to reach the goals expressed the President's program. DOE contractors will work with local community resources to assist in recruiting welfare recipients and facilitate partnering among contractors and local community organizations. Secretary Peña will also convene a workshop of DOE managers to develop strategies to accomplish national goals. This important initiative will require care and sensitivity to ensure that objectives are met during a period of continued, significant downsizing.

(2) PARTNERSHIPS with MINORITY EDUCATIONAL INSTITUTIONS

- *Preparing the Next Generation of Scientists:* For many years, the Department and its

National Laboratories have supported a wide variety of science, math and engineering education programs for students in grades K-12, as well as undergraduates. These programs have been directed, in part, to encouraging the participation of minorities and women to pursue studies and careers in science, math and engineering fields. DOE has also funded scholarship programs for Native American, Asian, African-American and Hispanic students. Internship programs are also available throughout the DOE and national laboratory complex. These past efforts have helped ensure that public educational resources are available to all American students regardless of race, ethnicity or gender.

- DOE's National Renewable Energy Laboratory (NREL) has worked collaboratively with Jefferson County Public Schools in Colorado to implement new State and district content standards for math, science, history, geography and language. The NREL collaboration has provided scientific learning opportunities for 5,200 students (K-12) and a strong staff development component. The School District has described this collaboration as a model program for replication throughout the State of Colorado.

- DOE's Oak Ridge National Laboratory has teamed with Central High School in Wartburg, Tennessee, as one of seven schools to participate in Oak Ridge's Adventures in Supercomputing (AiS) program. The school's 420 students have had a springboard for rich educational experiences in computer technology. A local area network with more than 100 work stations with Internet access has been installed. Many surrounding Morgan County educators have been introduced to the Internet and given electronic mail accounts through the school's computer laboratory facilities. This summer, Central High is serving as a regional training center for the AiS program. With the support of Oak Ridge National Laboratory, Central High is gaining national recognition as a leader in "cutting edge" technology. The school sees this project as a major factor in its educational rebirth.

- *Equal Access to Minority Education Information:*

- Federal Information Exchange/Minority On-Line Information System (MOLIS): Because timely access to information is important to realizing equal opportunity, the Department is a founding member of the Federal Information Exchange, which provides free Internet-based information relevant to Historically Black Colleges and Universities and Hispanic Serving Institutions. MOLIS provides federal agencies with information on the research and education capabilities of minority institutions that desire collaboration with the federal government. For example, the MOLIS system contains current information on research centers, facilities and equipment at minority campuses, as well as faculty profiles. In addition, the system provides current information to the minority higher education community on federal education and research opportunities.

- *Minority Institutional Development:*

- Educational Consortium for Environmental Protection (CEPA): The Department recently awarded a 3-year grant to a consortium of Hispanic Serving Institutions in Puerto Rico, mainland U.S., Mexico and Chile designed to enhance institutional development by DOE national laboratory scientists. DOE scientists will travel to participating institutions to assist with faculty, student and curriculum development, and will provide opportunities for visiting faculty and students to participate in ongoing environmental research. During his State Visit to the United States in March 1997, President Eduardo Frei of Chile publicly endorsed the importance of environmental science education and training, such as through this partnership.

- Bilingual Engineering Program: The Department recently announced a 3-year grant to provide for capacity building of community colleges by four-year research institutions in the area of bilingual engineering. Turabo University, part of the Ana G. Méndez System of Puerto Rico, will partner with community colleges in NY, TX, NM, and IL to assist them in developing future engineers with the capability to compete more effectively in the global marketplace, especially in Latin America, by using their cultural and linguistic advantages.

- *Minority Community Educational Partnerships:* The Department has established several technology-based opportunities for racially and economically disadvantaged public schools to partner with DOE in support of science education. One example is an innovative partnership involving DOE, DOE's Princeton Plasma Physics Laboratory, Hoboken, NJ Independent School District and Stevens Institute of Technology. The local community college works with middle school teachers to assist them in math and science curriculum development. The middle schools receive Internet-based access to real-time DOE science experiments, such as the Human Genome Project. As a result, students are more likely to pursue math and science careers, teachers become comfortable with math and science and community colleges provide a valuable community service by supporting the institutional development of local racially and economically disadvantaged public school districts.

(3) PARTNERSHIPS WITH SMALL, MINORITY AND WOMEN-OWNED BUSINESSES

- *Contract Reform Initiatives:* Due to the need to reduce cost and improve delivery of services, the Department has established innovative new contracting strategies, performance-based management contracting. As a result, the Department:

- Is the first federal agency to codify its diversity policy as part of the Code of Federal Regulations.

- Requires contractors and subcontractors at defense nuclear facilities to mitigate the social and economic impacts of workforce restructuring and displacement, including the use of a hiring preference for employees whose employment has been terminated.

- Requires contractors to develop "make-or-buy" plans (i.e., assess whether it is more economic to perform work in house or to outsource it) that are appropriate to local circumstances, including the need for openness by prime contractors in making such decisions and the involvement of stakeholders potentially affected by those decisions.

- *Parallax, Inc. Diversity Baseline Information Initiative:* One of the critical needs of the Department is to develop a database on how workforce restructuring has affected diversity at several DOE sites. To meet this need, the Department has funded Parallax (a woman-owned engineering operations and management services firm), Historically Black Colleges and Universities, and Minority Educational Institutions to develop this needed data. This effort will provide information to assess the effectiveness of the Department's diversity efforts at DOE sites undergoing downsizing and to respond to new legal requirements, as well as serve as a model for our small and disadvantaged business efforts.
- *Natural Gas Minority Business Development Program:* The Department has obtained the commitment of Chief Executive Officers of large natural gas firms to increasing minority opportunities for new supplier relationships and removing existing barriers. The natural gas industry is a \$90 billion a year industry. Because of the capital-intensive nature of the industry, however, small and minority-owned businesses have had a difficult time competing in the marketplace. With the cooperation of the American Gas Association, the DOE sponsored a workshop on July 18, 1996, that led to the development of a strategy for creating new opportunities in this important industry.

(4) PARTNERSHIPS WITH EMPLOYEES

- *Employee Partnership Agreements:* Since 1993, the Department has chartered numerous employee groups to assist in meeting diversity goals, including the Hispanic Association of the Department of Energy; Blacks-in-Government; and DOE Gay, Lesbian or Bisexual Employees, as well as engaging in partnerships with the various employee unions across the Department, such as the National Treasury Employees Union chapters at DOE Headquarters. In addition to helping to create a workplace that celebrates the contributions of all employees regardless of race, ethnicity, gender or sexual orientation, DOE employees have become more involved in assisting management in developing employee performance standards and developing meaningful special emphasis celebrations (e.g., National Black Heritage Month).

Employee Diversity Councils: In addition to the Secretary of Energy's Diversity Council, which was chartered in 1993, all of DOE's major field sites have established similar councils to encourage cross-cultural dialogue. These councils have directly supported management efforts to deal with important and sensitive issues affecting the workplace, including HIV/AIDS Training, diversity training and downsizing.

Alternative Dispute Resolution: The Department has established a national Dispute Resolution Program to resolve workplace disputes at as early a stage as possible. In May 1994, Albuquerque Operations Office took the lead in instituting a formal Mediation Pilot Program, which was so successful it has become permanent. The Mediation Program emphasizes objectivity and confidentiality in a communication process that strives for "win-win" solutions to disputes. The total cost of the Albuquerque program has been less than \$12,000, with 14 of 25 cases resolved through mediation at a cost avoidance of approximately \$60,000 per case. At another DOE site, 11 of 13 workplace disputes were resolved with an estimated savings of \$514,000. Equally important, participants have consistently expressed a high level of satisfaction with the program's outcomes.

- (5) **PARTNERSHIPS WITH THE INTERNATIONAL COMMUNITY**
- South African Institutional Development:* As a committee chair of the Binational Commission, the Department of Energy has supported Reconstruction and Development Program. In addition to instituting energy technologies to electrify housing for South Africa's black South Africans, the Department has provided U.S. energy efficient building human capacity by facilitating business and educational programs. To date, over 150 South Africans have participated in these programs.

Sandia National Laboratories' Partnerships with the International Community: Sandia has developed the science and engineering infrastructure that ultimately, works toward their improved economic development. Sandia's Cooperative Research and Development Program for Renewable Energy and Environment focuses on energy technologies in partnership with the International community.

- Development of a Lab-to-Lab program to train Russian institutes in business development and commercialization, with Russian technologies currently being made available to U.S. industry for commercialization.

Future Initiatives on Race and Diversity

- *Los Alamos National Laboratory Foundation:* The Laboratory is creating a philanthropic entity to foster and manage gift and grant support, including promotion and financial support of the educational and public service activities of the Laboratory. The Foundation will support the annual administration of \$500,000 for community development grants, \$500,000 for education outreach and \$2 million for regional educational enrichment. The first fundraising event will be held in New Mexico on August 15, 1997.
- *Science, Technology, Engineering and Math Education Initiative:* Secretary Peña has recently challenged the Department to find imaginative new ways to help develop a scientifically literate public, as well as a highly skilled technical workforce, to support our future energy, environmental and national security objectives. One result is the Department's "Science, Technology, Engineering and Math Education" initiative that will promote the public's understanding of science and help provide a diverse workforce for the nation's science and technology infrastructure by:
 - Developing Internet-based education technologies for elementary through college students and faculty;
 - Expanding undergraduate and faculty research opportunities;
 - Sustaining graduate and post-doctoral fellowships;
 - Continuing to support minority institutional development; and
 - Enhancing DOE's community outreach activities in science, technology, engineering and mathematics education across the DOE complex.

An example of this new approach is a Memorandum of Understanding involving six graduate-level Hispanic Serving Institutions (HSIs) in Puerto Rico, New Mexico and Texas, along with seven DOE national laboratories, establishing the Hispanic Collaborative for Research and Education in Science and Technology (HiCREST). The initiative has four goals:

- increase collaboration among the participating universities and DOE national laboratories;
- increase participation of HiCREST universities and faculty in national research and development enterprises;
- enhance the capability of Hispanic students to succeed in science and technology careers; and
- position DOE to be a leader in developing the nation's Hispanic science and technology workforce.

In addition, HiCREST will provide for a seamless educational experience that begins in the K-12 grade levels. By taking a systemic approach to developing linkages with DOE national laboratories, HiCREST will create a "virtual national HSI."

- *Improved Access to Education Financial Resources:* The Department has been a principal sponsor of ScholarSearch, a free CD-ROM database encompassing approximately 1,000 annual sources of education financial assistance available to all students nationwide with a special emphasis on careers in math and science. Based on the success of a pilot program conducted this year at 900 secondary schools and community institutions in New Mexico and Texas, the Department is planning to expand access to all of the nation's approximately 20,000 secondary schools via the Internet. A survey response of 35 percent emphasized the utility of the database and the unique assistance provided to under served minority and women high school students.
- *Minority Research Institutional Development:* Consistent with legal requirements, the Department is preparing a first-time request for proposals (RFP's) addressed to minority higher education institutions interested in enhancing their research capabilities. The current plan is for DOE program offices to pool funding on a pilot basis to meet their mission needs on a cost-effective basis. The RFP will ensure that the Department reaches beyond research institutions that have traditionally been supported by the Department, and will ensure that the RFP provides for appropriate competition between institutions at similar levels of development (e.g., community colleges competing against similar institutions for particular funding levels). Finally, the Department will encourage minority institutions to partner wherever possible (e.g., HBCU's, HSI's and Tribal Colleges) to enhance their potential for success.
- *Greater Contractor Accountability:* DOE intends to amend its procurement regulations to require each management and operating contractor to file a plan outlining its approach for promoting diversity through (1) community involvement and outreach, (2) economic development (including technology transfer), (3) educational outreach, (4) subcontracting, and (5) the Contractor's workforce. These plans will be reviewed on an annual basis during the period of performance fee reviews to incentivize contractors to provide greater opportunities for small, minority and women-owned businesses.
- *Increased Access to Capital:* The Columbia Basin Minority Economic Development Association is seeking to establish a "One-Stop Business Development Center" as part of DOE's support for community reuse organizations in Washington State. The "One-Stop Business Center" will coordinate a high risk private lenders' loan program and provide the small business community with real-time information on upcoming government procurement opportunities (i.e., municipal, county, state and federal). This effort will establish a needed link between women and minority-owned businesses seeking contracting opportunities and the greater business development community.

Appendices: Strategic Plan for Diversity
Historically Black Colleges and Universities: Building Partnerships for the Future
Hispanic Outreach Initiative: Partnering for the Future
American Indian Policy

c:\wpdata\racerep4.cab



The Secretary of Energy
Washington, DC 20585

May 21, 1997

MEMORANDUM FOR ALL DEPARTMENTAL ELEMENTS

FROM: FEDERICO PEÑA *Federico Peña*

SUBJECT: GOVERNMENT-TO-GOVERNMENT RELATIONS WITH AMERICAN INDIAN TRIBAL GOVERNMENTS

In 1994, President Clinton met with Tribal leaders and signed a Presidential Memorandum that reaffirmed the Federal government's commitment to operate within a government-to-government relationship with federally recognized American Indian and Alaska Native Tribes. In 1996, the President signed an Executive Order on Sacred Sites directing Federal agencies to accommodate access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners. The President also signed the Tribal Colleges and Universities Executive Order to expand federal assistance for Indian institutions of higher education, promote tribal sovereignty and individual achievement, and advance the National Education Goals and Federal policy in Indian education. These Executive Orders and the President's Memorandum are attached.

I am committed to ensuring that the Department of Energy meets its responsibilities in Indian country and works in a manner consistent with the government-to-government relationship between federally recognized Tribes and the Department. The attached Department of Energy American Indian Policy outlines the principles to be followed by the Department in its interaction with federally recognized Tribes.

Accordingly, we request that you be fully responsive to the Department's American Indian Policy, the Presidential Memorandum, as well as the mandates of both Executive Orders. Any decision making process in which your office is involved that may impact the environmental and cultural interests of the Tribes must include Tribal participation.

If further guidance is needed, please contact the Departmental Liaison for Indian Issues within the Office of Congressional, Public, and Intergovernmental Affairs at 202-586-5499.

Thank you for your cooperation and assistance.

Attachments

The White House
Washington, DC
April 29, 1994

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Government-to-Government Relations with Native American Tribal Governments

The United States government has a unique legal relationship with Native American tribal governments as set forth in the Constitution of the United States, treaties, statutes, and court decisions. As executive departments and agencies undertake activities affecting Native American tribal rights or trust resources, such activities should be implemented in a knowledgeable, sensitive manner respectful of tribal sovereignty.

Today, as part of an historic meeting, I am outlining principles that executive departments and agencies, including every component bureau and office, are to follow in their interactions with Native American tribal governments. The purpose of these principles is to clarify our responsibility to ensure that the federal government operates within a government-to-government relationship with federally-recognized Native American tribes. I am strongly committed to building a more effective day-to-day working relationship reflecting respect for the rights of self-government due the sovereign tribal governments.

In order to ensure that the rights of sovereign tribal governments are fully respected, executive branch activities shall be guided by the following:

- (a) The head of each executive department and agency shall be responsible for ensuring that the department or agency operates within a government-to-government relationship with federally-recognized tribal governments.
- (b) Each executive department and agency shall consult, to the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments. All such consultations are to be open and candid so that all interested parties may evaluate for themselves the potential impact of relevant proposals.
- (c) Each executive department and agency shall assess the impact of federal government plans, projects, programs, and activities on tribal trust resources and assure that tribal government rights and concerns are considered during the development of such plans, projects, programs and activities.
- (d) Each executive department and agency shall take appropriate steps to remove any procedural impediments to working directly and effectively with tribal governments on activities that affect the trust property and/or governmental rights of the tribes.

THE WHITE HOUSE

Office of the Press Secretary

For immediate release

October 21, 1996

EXECUTIVE ORDER

13021

TRIBAL COLLEGES AND UNIVERSITIES

By the authority vested in me as President by the Constitution and laws of the United States of America, in reaffirmation of the special relationship of the Federal Government to American Indians and Alaska Natives, and, for the purposes of helping to: (a) ensure that tribal colleges and universities are more fully recognized as accredited institutions, have access to the opportunities afforded other institutions, and have Federal resources committed to them on a continuing basis; (b) establish a mechanism that will increase accessibility of Federal resources for tribal colleges and universities in tribal communities; (c) promote access to high-quality educational opportunity for economically disadvantaged students; (d) promote the preservation and the revitalization of American Indian and Alaska Native languages and cultural traditions; (e) explore innovative approaches to better link tribal colleges with early childhood, elementary, and secondary education programs; and (f) support the National Education Goals (20 U.S.C. 5812), it is hereby ordered as follows:

Section 1. Definition of Tribal Colleges and Universities. Tribal colleges and universities ("tribal colleges") are those institutions cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note), any other institution that qualifies for funding under the Tribally Controlled Community College Assistance Act of 1978, (25 U.S.C. 1801 et seq.), and Navajo Community College, authorized in the Navajo Community College Assistance Act of 1978, Public Law 95-471, title II (25 U.S.C. 640a note).

Sec. 2. Board of Advisors. (a) Establishment. There shall be established in the Department of Education a Presidential advisory committee entitled the President's Board of Advisors on Tribal Colleges and Universities ("Board"). Notwithstanding the provisions of any other Executive Order, the responsibilities of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App.), with respect to the Board, shall be performed by the Secretary of Education ("Secretary"), in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) Composition. The Board shall consist of not more than 15 members who shall be appointed by the President. The Board shall include representatives of tribal colleges. The Board may also include representatives of the higher, early childhood, elementary, and secondary education communities; tribal officials; health, business, and financial institutions; private foundations; and such other persons as the President deems appropriate. Members of the Board will serve terms of 2 years and may be reappointed to additional terms. A Member may continue to serve until his or her successor is appointed. In the event a Member fails to serve a full term, an individual appointed to replace that Member will serve the remainder of that term. All terms will expire upon the termination of the Board.